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No. 91-1420

In the

Supreme Court of the United States

October Term, 1991

JOAN GROWE, SECRETARY OF STATE
OF THE STATE OF MINNESOTA, et al.
Appellants,

v.

JAMES EMISON, et al.
Respondents.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

APPELLEES' SUPPLEMENTAL APPENDIX

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[1]/ This supplemental appendix contains, *inter alia*, materials issued by and filed with the United States District Court for the District of Minnesota in *Emison v. Growe*, Civ. File No. 4-91-202, and the Minnesota Special Redistricting Panel in *Cotlow v. Growe*, No. C8-91-985. The materials contained herein are supplemental to the separate Appendix to Jurisdictional Statement filed by appellants herein, and include additional documents not contained in that Appendix, or portions of documents omitted from that Appendix.

The first group of items contains portions of the Order and Plans of Redistricting issued by the Federal Court, which constitute part of the order and judgment from which appellants have appealed. The remainder is a chronological reference to certain pleadings and papers filed in the Federal Court action. The second group of materials relates to *Cotlow v. Growe*, and contains supplemental papers presented in chronological order. The third group of material includes various information concerning legislative redistricting efforts by the Minnesota State Legislature, maps and charts, and other documents which constistute omitted portions of documents contained in plaintiffs' Jurisdictional Statement, or pertinent to the appellees' Motion to Dismiss.

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ORDER AND PLANS OF REDISTRICTING
U.S. DISTRICT COURT
CIV. 4-91-202
III. EXHIBITS
1. DEVIATION ANALYSIS

LEGISLATIVE REDISTRICTING — DEVIATION ANALYSIS DEFENDANT-PLAINTIFF-FEDERAL COURT PLANS COMPARED

Each of the 134 House and 67 Senate Districts as proposed by the Defendant and the Plaintiff and the Federal Court Plan were analyzed in order to measure the extent of the population deviations from the "Ideal" sizes of 32,650 and 65,300, respectively, for the District in each plan.

The data are taken from the electronic plan files of each of the parties and of the plan prepared by the Federal Court.

It should be noted, again, that the individual district estimated deviations that are tabulated in this exhibit cannot be compared district by district between the three plans because the district numbering systems used by each plan *do not result in comparably numbered districts.* Only the deviation summary data shown on page 12 are directly comparable.

In order to facilitate comparisons the data are presented in two forms. Pages 4 through 7 list the percentage deviations (+ or -) from ideal populations for both House and Senate districts in order by District number for each plan. Pages 8 through 12 present these same data organized in order from the largest negative deviation to the largest positive deviation first for House districts and then by Senate districts.

The results of the analyses are summarized below:

1. House Districts:

Defendant's House districts range from a negative

deviation of -1.96% (640 persons) to a positive deviation of 1.97% (643 persons); a range of 1243 persons or 3.93%. On the average (i.e. the statistical mean deviation) Defendant's House districts deviate from the ideal population by .92% (302 persons). None of the Defendant's House districts are at the ideal population level.

Plaintiffs House districts range from a negative deviation of -0.95% (309 persons) to a positive deviation of 0.96% (314 persons); a range of 623 persons or 1.91%. On the average (i.e. the statistical mean deviation) Plaintiff's House districts deviate from the ideal population by .32% (106 persons). One of the Plaintiff's House districts is at the ideal population level.

The Federal Court Plan House Districts range from a negative deviation of -0.74% (243 persons) to a positive deviation of 0.66% (214 persons); a range of 457 persons or 1.40%. On the average (i.e. the statistical mean deviation) Federal Court House districts deviate from the ideal population by .19% (62 persons). Six of the Federal Court Plan House districts are at the ideal population level.

In relative terms, if the Defendant's House plan mean deviation range is indexed at 1.00, the Plaintiff's House plan has an index of 2.85 and the Federal Court House plan has an index of 4.87. (In this analysis, the greater the size of the index number, the better a plan meets a criteria of minimal deviation.)

2. Senate Districts:

Defendant's Senate districts range from a negative deviation of -1.83% (1197 persons) to a positive deviation of 1.59% (1036 persons); a range of 2233 persons or 3.42%. On the average (i.e. the statistical mean deviation) Defendant's Senate districts deviate from the ideal population by .66% (430 persons). None of the Defendant's Senate districts are at the ideal population level.

Plaintiffs did not submit statistical data for their Senate districts. One can be deduced from the House district data and the results are shown in the tabular data that follows. These deduced data show that Plaintiff's

plan realizes a lower mean deviation and a range that is about one-half of the defendant's plan.

The Federal Court Plan Senate Districts range from a negative deviation of -0.62% (401 persons) to a positive deviation of 0.58% (368 persons); a range of 769 persons or 1.20%. On the average (i.e. the statistical mean deviation) Federal Court Senate districts deviate from the ideal population by .15% (98 persons). Two of the Federal Court Plan Senate districts are at the ideal population level.

In relative terms, if the Defendant's Senate plan mean deviation range is indexed at 1.00, the Plaintiff's plan an index of 2.86 and the Federal Court Senate plan has an index of 4.53. (In this analysis, the greater the size of the index number, the better a plan meets a criterion of minimal deviation.)

3. Summary:

A. In the case of both House and Senate districts the Federal Court plan shows significantly lower population deviation from the "Ideal" district population numbers. (All three of the examined plans show deviations within the 2% *maximum (+ or -)* deviation stipulated by all parties.) To the extent that a tendency towards deviations that approach the maximum permissible deviation may indicate a potential for gerrymandering the Federal Court plan again shows the lowest potential.

B. The deviation range comparisons shown as the final item on Page 12 further illustrate the effect of achieving reasonable minimum deviations. In the case of the Defendant's plan less than one-half of the Senate Districts and one-third of the House Districts are within one-half of one percent of ideal population. In the Plaintiff's plan all but six of the Senate Districts and seventy-five percent of the House Districts are within one-half of one percent of ideal population. In the Court's Plan only three Senate Districts of the sixty seven are more than one-half of one percent over the ideal population and more than ninety percent of the House Districts are within one half of one percent of ideal populations.

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	1		-.58%		1		.80%		1		-.05%
1A		-1.50%		1A		.83%		1A		-.01%	
1B		.34%		1B		.76%		1B		-.09%	
	2		-1.84%		2		.21%		2		-.25%
2A		-1.81%		2A		-.16%		2A		-.09%	
2B		-1.86%		2B		.57%		2B		-.41%	
	3		-.05%		3		-.64%		3		.15%
3A		-1.48%		3A		-.33%		3A		-.11%	
3B		1.38%		3B		-.95%		3B		.40%	
	4		.20%		4		.47%		4		.07%
4A		-1.04%		4A		.96%		4A		.01%	
4B		1.44%		4B		-.02%		4B		.12%	
	5		.06%		5		-.41%		5		-.13%
5A		.47%		5A		.11%		5A		-.36%	
5B		-.36%		5B		-.92%		5B		.11%	
	6		-.56%		6		-.46%		6		.24%
6A		-.09%		6A		-.47%		6A		.41%	
6B		-1.03%		6B		-.44%		6B		.06%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	7		-.89%		7		.30%		7		.06%
7A		- .57%		7A		.31%		7A		.03%	
7B		-1.20%		7B		.29%		7B		.09%	
	8		1.06%		8		.19%		8		-.09%
8A		1.66%		8A		.47%		8A		.36%	
8B		.46%		8B		-.10%		8B		-.53%	
	9		1.12%		9		-.18%		9		.24%
9A		.52%		9A		.16%		9A		.55%	
9B		1.71%		9B		-.51%		9B		-.08%	
	10		1.40%		10		.47%		10		.08%
10A		1.22%		10A		.09%		10A		.02%	
10B		1.57%		10B		.84%		10B		.14%	
	11		1.01%		11		.32%		11		.01%
11A		1.83%		11A		.43%		11A		.27%	
11B		.18%		11B		.21%		11B		-.25%	
	12		-.33%		12		.10%		12		-.08%
12A		1.16%		12A		-.56%		12A		-.15%	
12B		-1.81%		12B		.76%		12B			

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	13		.32%		13		.42%		13		.38%
13A		-.77%		13A		.29%		13A		.23%	
13B		1.41%		13B		.54%		13B		.52%	
	14		.78%		14		.35%		14		-.38%
14A		1.34%		14A		.88%		14A		-.16%	
14B		.21%		14B		-.18%		14B		-.60%	
	15		-.39%		15		-.10%		15		.20%
15A		-.11%		15A		.08%		15A		.24%	
15B		-.67%		15B		-.27%		15B		.16%	
	16		1.59%		16		-.30%		16		.10%
16A		1.49%		16A		-.04%		16A		-.06%	
16B		1.68%		16B		-.55%		16B		.26%	
	17		.94%		17		.12%		17		.19%
17A		1.75%		17A		.36%		17A		-.17%	
17B		.13%		17B		-.13%		17B		.54%	
	18		-1.16%		18		.13%		18		-.01%
18A		-1.07%		18A		.28%		18A		.13%	
18B		-1.24%		18B		-.02%		18B		.11%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	19		-.41%		19		.08%		19		.31%
19A		-1.43%		19A		-.11%		19A			
19B		.62%		19B		.26%		19B		.61%	
	20		-.34%		20		.49%		20		.11%
20A		1.03%		20A		.37%		20A		.21%	
20B		-1.70%		20B		.61%		20B			
	21		1.14%		21		-.05%		21		-.59%
21A		.98%		21A		-.55%		21A		-.44%	
21B		1.29%		21B		.45%		21B		-.74%	
	22		.23%		22		.18%		22		.02%
22A		-.73%		22A		.06%		22A		.06%	
22B		1.19%		22B		.29%		22B		-.03%	
	23		-.01%		23		-.11%		23		.58%
23A		1.18%		23A		-.59%		23A		.50%	
23B		-1.20%		23B		.37%		23B		.66%	
	24		1.55%		24		-.01%		24		-.62%
24A		1.57%		24A		.08%		24A		-.61%	
24B		1.53%		24B		-.10%		24B		-.62%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	25		-.12%		25		.26%		25		-.07%
25A		.01%		25A		.44%		25A		-.01%	
25B		-.24%		25B		.07%		25B		-.13%	
	26		.66%		26		.07%		26		-.30%
26A		-.32%		26A		.75%		26A		-.54%	
26B		1.64%		26B		.62%		26B		-.06%	
	27		.03%		27		-.34%		27		-.03%
27A		1.26%		27A		.14%		27A		-.03%	
27B		-1.21%		27B		.82%		27B		-.03%	
	28		1.27%		28		-.22%		28		-.15%
28A		1.96%		28A		.13%		28A		-.06%	
28B		.58%		28B		.30%		28B		-.24%	
	29		1.07%		29		.61%		29		-.36%
29A		1.83%		29A		.74%		29A		-.39%	
29B		.30%		29B		.47%		29B		-.32%	
	30		-.08%		30		-.69%		30		.14%
30A		1.01%		30A		.87%		30A		-.15%	
30B		-1.16%		30B		.50%		30B		.42%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	31		-.55%		31		-.11%		31		.27%
31A		-1.00%		31A		.23%		31A		28%	
31B		-.09%		31B		.45%		31B		.25%	
	32		.14%		32		.08%		32		.05%
32A		-.32%		32A		.36%		32A		.36%	
32B		.60%		32B		.52%		32B		-.26%	
	33		.65%		33		-.08%		33		-.15%
33A		.85%		33A		.66%		33A		.40%	
33B		.44%		33B		.81%		33B		-.69%	
	34		- .41%		34		-.80%		34		- .15%
34A		-.83%		34A		.89%		34A		-.12%	
34B		.01%		34B		-.71%		34B		-.17%	
	35		.62%		35		-.37%		35		.07%
35A		.89%		35A		-.70%		35A		-.05%	
35B		.35%		35B		-.03%		35B		-.09%	
	36		-.63%		36		.50%		36		.25%
36A		-.34%		36A		.81%		36A		.28%	
36B		-.92%		36B		.19%		36B		.21%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	37		-1.69%		37		-.51%		37		.13%
37A		-1.60%		37A		-.58%		37A		.03%	
37B		-1.78%		37B		-.43%		37B		-.28%	
	38		-1.30%		38		.30%		38		.02%
38A		-1.17%		38A		.31%		38A		-.02%	
38B		-1.42%		38B		.28%		38B		.06%	
	39		-.46%		39		-.13%		39		.07%
39A		-.87%		39A		-.45%		39A		.19%	
39B		-.04%		39B		.20%		39B		-.05%	
	40		-1.08%		40		-.45%		40		.10%
40A		-.92%		40A		-.92%		40A		-.19%	
40B		-1.23%		40B		.02%		40B			
	41		-1.49%		41		-.15%		41		.07%
41A		-1.82%		41A		-.08%		41A		.04%	
41B		-1.15%		41B		-.21%		41B		-.17%	
	42		-.88%		42		-.07%		42		.06%
42A		-.78%		42A		-.05%		42A		-.05%	
42B		-.97%		42B		-.09%		42B		.20%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	43		-.83%		43		-.04%		43		.07%
43A		-1.96%		43A		-.17%		43A			
43B		.31%		43B		.10%		43B		-.13%	
	44		-.31%		44		.29%		44		.09%
44A		-.64%		44A		.01%		44A		.09%	
44B		.02%		44B		.57%		44B		.09%	
	45		.28%		45		-.35%		45		.17%
45A		1.56%		45A		-.50%		45A		-.14%	
45B		-1.00%		45B		-.19%		45B		-.19%	
	46		-.58%		46		.12%		46		.03%
46A		.63%		46A		.02%		46A		-.10%	
46B		-1.79%		46B		.21%		46B		.04%	
	47		.40%		47		-.06%		47		.02%
47A		.49%		47A		.43%		47A		-.04%	
47B		.30%		47B		-.55%		47B		.07%	
	48		.22%		48		-.03%		48		.19%
48A		1.11%		48A		.15%		48A		-.13%	
48B		-.68%		48B		-.20%		48B		-.24%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	49		-.21%		49		.26%		49		.12%
49A		-1.53%		49A		.51%		49A		.01%	
49B		1.12%		49B		.01%		49B		-.25%	
	50		-.29%		50		.05%		50		
50A		-.05%		50A		.22%		50A		-.08%	
50B		-.53%		50B		-.12%		50B		.08%	
	51		.10%		51		.10%		51		.14%
51A		-.30%		51A		.15%		51A		.27%	
51B		.49%		51B		.05%		51B			
	52		.48%		52		.02%		52		-.15%
52A		-.01%		52A		.01%		52A		-.32%	
52B		.97%		52B		.02%		52B		.02%	
	53		.40%		53		.06%		53		.08%
53A		-.82%		53A		.13%		53A		.25%	
53B		1.62%		53B		-.01%		53B		-.09%	
	54		-.84%		54		.06%		54		-.23%
54A		-1.28%		54A		.03%		54A		-.44%	
54B		-.39%		54B		-.15%		54B		-.01%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	55		1.53%		55		-.03%		55		.10%
55A		1.97%		55A		-.15%		55A		.14%	
55B		1.09%		55B		.10%		55B		.06%	
	56		-.86%		56		.07%		56		.22%
56A		-.69%		56A		.11%		56A		.35%	
56B		-1.03%		56B		.02%		56B		.08%	
	57		-1.27%		57				57		.12%
57A		-.64%		57A		-.07%		57A		.24%	
57B		-1.89%		57B		.07%		57B		-.01%	
	58		-1.00%		58		.04%		58		
58A		-.97%		58A		-.05%		58A		.02%	
58B		-1.03%		58B		.13%		58B		-.02%	
	59		.03%		59		-.18%		59		.13%
59A		.15%		59A		-.24%		59A		-.05%	
59B		-.09%		59B		-.11%		59B		.30%	
	60		.32%		60		-.04%		60		-.14%
60A		-.52%		60A		-.08%		60A		-.18%	
60B		1.16%		60B				60B		-.09%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	61		1.08%		61		.21%		61		.19%
61A		1.15%		61A		-.13%		61A		.20%	
61B		1.01%		61B		.55%		61B		.18%	
	62		.80%		62		-.37%		62		-.03%
62A		.15%		62A		-.86%		62A		-.14%	
62B		1.44%		62B		.12%		62B		.08%	
	63		.14%		63		.05%		63		.03%
63A		-.75%		63A		.06%		63A		-.05%	
63B		1.03%		63B		.03%		63B		.10%	
	64		-.40%		64		-.20%		64		.05%
64A		-.64%		64A		-.44%		64A		-.08%	
64B		-.15%		64B		.04%		64B		.18%	
	65		-.08%		65		-.39%		65		-.02%
65A		.12%		65A		-.04%		65A		.01%	
65B		-.27%		65B		-.74%		65B		-.04%	
	66		-.26%		66		.08%		66		-.12%
66A		-.39%		66A		.06%		66A		-.31%	
66B		-.13%		66B		.09%		66B		.07%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	67		.53%		67		.21%		67		.22%
67A		.78%		67A		.39%		67A		.10%	
67B		.28%		67B		.02%		67B		.34%	

DISTRICTS LISTED IN RANK ORDER - LARGEST NEGATIVE TO LARGEST POSITIVE DEVIATION

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
43A		-1.96%		3B		-.95%		21B		-.74%	
57B		-1.89%		5B		-.92%		33B		-.69%	
2B		-1.86%		40A		-.92%		24B		-.62%	
41A		-1.82%		34A		-.89%		24A		-.61%	
2A		-1.81%		30A		-.87%		14B		-.60%	
12B		-1.81%		62A		-.86%		26A		-.54%	
46B		-1.79%		27B		-.82%		8B		-.53%	
37B		-1.78%		33B		-.81%		21A		-.44%	
20B		-1.70%		65B		-.74%		54A		-.44%	
37A		-1.60%		34B		-.71%		2B		-.41%	
49A		-1.53%		35A		-.70%		29A		-.39%	
1A		-1.50%		26B		-.62%		5A		-.36%	
3A		-1.48%		23A		-.59%		29B		-.32%	
19A		-1.43%		37A		-.58%		52A		-.32%	
38B		-1.42%		12A		-.56%		66A		-.31%	
54A		-1.28%		16B		-.55%		37B		-.28%	
18B		-1.24%		21A		-.55%		32B		-.26%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
40B		-1.23%		47B		-.55%		11B		-.25%	
27B		-1.21%		9B		-.51%		49B		-.25%	
7B		-1.20%		30B		-.50%		28B		-.24%	
23B		-1.20%		45A		-.50%		48B		-.24%	
38A		-1.17%		6A		-.47%		40A		-.19%	
30B		-1.16%		31B		-.45%		45B		-.19%	
41B		-1.15%		39A		-.45%		60A		-.18%	
18A		-1.07%		6B		-.44%		17A		-.17%	
4A		-1.04%		64A		-.44%		34B		-.17%	
6B		-1.03%		37B		-.43%		41B		-.17%	
56B		-1.03%		32A		-.36%		14A		-.16%	
58B		-1.03%		3A		-.33%		12A		-.15%	
31A		-1.00%		28B		-.30%		30A		-.15%	
45B		-1.00%		15B		-.27%		45A		-.14%	
42B		-.97%		59A		-.24%		62A		-.14%	
58A		-.97%		41B		-.21%		18A		-.13%	
36B		-.92%		48B		-.20%		25B		-.13%	
40A		-.92%		45B		-.19%		43B		-.13%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
39A		-.87%		14B		-.18%		48A		-.13%	
34A		-.83%		43A		-.17%		34A		-.12%	
53A		-.82%		2A		-.16%		3A		-.11%	
42A		-.78%		54B		-.15%		46A		-.10%	
13A		-.77%		55A		-.15%		1B		-.09%	
63A		-.75%		17B		-.13%		2A		-.09%	
22A		-.73%		28A		-.13%		35B		-.09%	
56A		-.69%		61A		-.13%		53B		-.09%	
48B		-.68%		50B		-.12%		60B		-.09%	
15B		-.67%		19A		-.11%		9B		-.08%	
44A		-.64%		59B		-.11%		50A		-.08%	
57A		-.64%		8B		-.10%		64A		-.08%	
64A		-.64%		24B		-.10%		16A		-.06%	
7A		-.57%		42B		-.09%		26B		-.06%	
50B		-.53%		41A		-.08%		28A		-.06%	
60A		-.52%		60A		-.08%		35A		-.05%	
54B		-.39%		57A		-.07%		39B		-.05%	
66A		-.39%		42A		-.05%		42A		-.05%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
5B		-.36%		58A		-.05%		59A		-.05%	
36A		-.34%		16A		-.04%		63A		-.05%	
26A		-.32%		65A		-.04%		47A		-.04%	
32A		-.32%		35B		-.03%		65B		-.04%	
51A		-.30%		4B		-.02%		22B		-.03%	
65B		-.27%		18B		-.02%		27A		-.03%	
25B		-.24%		53B		-.01%		27B		-.03%	
64B		-.15%		60B				38A		-.02%	
66B		-.13%		44A		.01%		58B		-.02%	
15A		-.11%		49B		.01%		1A		-.01%	
6A		-.09%		52A		.01%		25A		-.01%	
31B		-.09%		40B		.02%		54B		-.01%	
59B		-.09%		46A		.02%		57B		-.01%	
50A		-.05%		52B		.02%		12B			
39B		-.04%		56B		.02%		19A			
52A		-.01%		67B		.02%		20B			
25A		.01%		54A		.03%		40B			
34B		.01%		63B		.03%		43A			

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
44B		.02%		64B		.04%		51B			
65A		.12%		51B		.05%		4A		.01%	
17B		.13%		22A		.06%		49A		.01%	
59A		.15%		63A		.06%		65A		.01%	
62A		.15%		66A		.06%		10A		.02%	
11B		.18%		25B		.07%		52B		.02%	
14B		.21%		57B		.07%		58A		.02%	
67B		.28%		15A		.08%		7A		.03%	
29B		.30%		24A		.08%		37A		.03%	
47B		.30%		10A		.09%		41A		.04%	
43B		.31%		66B		.09%		46B		.04%	
1B		.34%		43B		.10%		6B		.06%	
35B		.35%		55B		.10%		22A		.06%	
33B		.44%		5A		.11%		38B		.06%	
8B		.46%		56A		.11%		55B		.06%	
5A		.47%		62B		.12%		47B		.07%	
47A		.49%		53A		.13%		66B		.07%	
51B		.49%		58B		.13%		50B		.08%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
9A		.52%		27A		.14%		56B		.08%	
28B		.58%		48A		.15%		62B		.08%	
32B		.60%		51A		.15%		7B		.09%	
19B		.62%		9A		.16%		44A		.09%	
46A		.63%		36B		.19%		44B		.09%	
67A		.78%		39B		.20%		63B		.10%	
33A		.85%		11B		.21%		67A		.10%	
35A		.89%		46B		.21%		5B		.11%	
52B		.97%		50A		.22%		18B		.11%	
21A		.98%		31A		.23%		4B		.12%	
30A		1.01%		19B		.26%		10B		.14%	
61B		1.01%		18A		.28%		55A		.14%	
20A		1.03%		38B		.28%		15B		.16%	
63B		1.03%		7B		.29%		61B		.18%	
55B		1.09%		13A		.29%		64B		.18%	
48A		1.11%		22B		.29%		39A		.19%	
49B		1.12%		7A		.31%		42B		.20%	
61A		1.15%		38A		.31%		61A		.20%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
12A		1.16%		17A		.36%		20A		.21%	
60B		1.16%		20A		.37%		36B		.21%	
23A		1.18%		23B		.37%		13A		.23%	
22B		1.19%		67A		.39%		15A		.24%	
10A		1.22%		11A		.43%		57A		.24%	
27A		1.26%		47A		.43%		31B		.25%	
21B		1.29%		25A		.44%		53A		.25%	
14A		1.34%		21B		.45%		16B		.26%	
3B		1.38%		8A		.47%		11A		.27%	
13B		1.41%		29B		.47%		51A		.27%	
4B		1.44%		49A		.51%		31A		.28%	
62B		1.44%		32B		.52%		36A		.28%	
16A		1.49%		13B		.54%		59B		.30%	
24B		1.53%		61B		.55%		67B		.34%	
45A		1.56%		2B		.57%		56A		.35%	
10B		1.57%		44B		.57%		8A		.36%	
24A		1.57%		20B		.61%		32A		.36%	
53B		1.62%		33A		.66%		3B		.40%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
26B		1.64%		29A		.74%		33A		.40%	
8A		1.66%		26A		.75%		6A		.41%	
16B		1.68%		1B		.76%		30B		.42%	
9B		1.71%		12B		.76%		23A		.50%	
17A		1.75%		36A		.81%		13B		.52%	
11A		1.83%		1A		.83%		17B		.54%	
29A		1.83%		10B		.84%		9A		.55%	
28A		1.96%		14A		.88%		19B		.61%	
55A		1.97%		4A		.96%		23B		.66%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
2		-1.84%		34		-.80%		24		-.62%	
37		-1.69%		30		-.69%		21		-.59%	
41		-1.49%		3		-.64%		14		-.38%	
38		-1.30%		37		-.51%		29		-.36%	
57		-1.27%		6		-.46%		26		-.30%	
18		-1.16%		40		-.45%		2		-.25%	
40		-1.08%		5		-.41%		54		-.23%	
58		-1.00%		65		-.39%		48		-.19%	
7		-.89%		62		-.37%		45		-.17%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
42		-.88%		35		-.37%		28		-.15%	
56		-.86%		45		-.35%		52		-.15%	
54		-.84%		27		-.34%		33		-.15%	
43		-.83%		16		-.30%		34		-.15%	
36		-.63%		28		-.22%		60		-.14%	
1		-.58%		64		-.20%		5		-.13%	
46		-.58%		9		-.18%		37		-.13%	
6		-.56%		59		-.18%		49		-.12%	
31		-.55%		41		-.15%		66		-.12%	
39		-.46%		39		-.13%		40		-.10%	
34		-.41%		23		-.11%		8		-.09%	
19		-.41%		31		-.11%		12		-.08%	
64		-.40%		15		-.10%		25		-.07%	
15		-.39%		33		-.08%		35		-.07%	
20		-.34%		42		-.07%		41		-.07%	
12		-.33%		47		-.06%		43		-.07%	
44		-.31%		54		-.06%		1		-.05%	
50		-.29%		21		-.05%		27		-.03%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
66		-.26%		60		-.04%		46		-.03%	
49		-.21%		43		-.04%		62		-.03%	
25		-.12%		48		-.03%		65		-.02%	
30		-.08%		55		-.03%		18		-.01%	
65		-.08%		24		-.01%		50			
3		-.05%		57				58			
23		-.01%		52		.02%		11		.01%	
27		.03%		58		.04%		22		.02%	
59		.03%		63		.05%		47		.02%	
5		.06%		50		.05%		38		.02%	
51		.10%		53		.06%		63		.03%	
32		.14%		26		.07%		32		.05%	
63		.14%		56		.07%		64		.05%	
4		.20%		19		.08%		7		.06%	
48		.22%		66		.08%		4		.07%	
22		.23%		32		.08%		39		.07%	
45		.28%		12		.10%		42		.08%	
13		.32%		51		.10%		10		.08%	

DEFENDANT DIST. NUMBER		DEVIATION		PLAINTIFF DIST. NUMBER		DEVIATION		COURT PLAN DIST. NUMBER		DEVIATION	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
60		.32%		17		.12%		53		.08%	
47		.40%		46		.12%		44		.09%	
53		.40%		18		.13%		16		.10%	
52		.48%		22		.18%		55		.10%	
67		.53%		8		.19%		20		.11%	
35		.62%		2		.21%		57		.12%	
33		.65%		67		.21%		59		.13%	
26		.66%		61		.21%		30		.14%	
14		.78%		25		.26%		51		.14%	
62		.80%		49		.26%		3		.15%	
17		.94%		44		.29%		17		.19%	
11		1.01%		38		.30%		61		.19%	
8		1.06%		7		.30%		15		.20%	
29		1.07%		11		.32%		56		.22%	
61		1.08%		14		.35%		67		.22%	
9		1.12%		13		.42%		6		.24%	
21		1.14%		10		.47%		9		.24%	
28		1.27%		4		.47%		36		.25%	

DEFENDANT DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	PLAINTIFF DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE	COURT PLAN DIST. NUMBER HSE	SEN	DEVIATION HOUSE	SENATE
10		1.40%		20		.49%		31		.27%	
55		1.53%		36		.50%		19		.31%	
24		1.55%		29		.61%		13		.38%	
16		1.59%		1		.80%		23		.58%	

DEVIATIONS SUMMARY:

	DEFENDANT		PLAINTIFF		COURT PLAN	
HOUSE:						
MEAN DEV., %	.93%		.33%		.19%	
MEAN DEV., #	302		107		62	
SENATE:						
MEAN DEV., %	.66%		.24%		.15%	
MEAN DEV., #	430		152		98	
HOUSE:						
MOST +	643,	1.97%	314,	.96%	214,	.66%
MOST -	-640,	-1.96%	-309,	-.95%	-243,	-.74%
SENATE:						
MOST +	1036,	1.59%	508,	.80%	368,	.58%
MOST -	-1197,	1.83%	508,	-.80%	-401,	-.62%
RANGE:						
HOUSE, # & %	1283,	3.93%	623,	1.91%	457,	1.40%
SENATE, # & %	2233,	3.42%	1016,	1.60%	769,	1.20%

RANGE COMPARISONS: NUMBER OF DISTRICTS -SENATE/HOUSE

DEVIATION %	DEFENDANT	PLAINTIFF	COURT PLAN
0% (IDEAL)	0/0	1/1	2/6
>.00% TO .25%	15/20	39/67	54/97
.25% TO .50%	16/19	21/30	8/18
.51% TO 1.00%	17/34	6/36	3/13
> 1.00%	19/65	0/0	0/0
TOTALS:	67/134	67/134	67/134

ORDER AND PLANS OF REDISTRICTING
U.S. DISTRICT COURT

CIV.4-91-202
III. EXHIBITS
2. VISUAL COMPACTNESS ANALYSIS

LEGISLATIVE REDISTRICTING
DISTRICT COMPACTNESS ANALYSIS

DEFENDANT-PLAINTIFF-FEDERAL COURT PLANS
COMPARED

Each of the 134 House and 67 Senate Districts as proposed by the Defendant and the Plaintiff and the Federal Court Plan were analyzed in order to measure the relative compactness of the Districts in each plan.

The analytical process was comprised of drawing a minimum diameter circumscribed circle around each district.[1] The total area of the district as a percentage of the total area of the circumscribed circle was visually judged. An index number based on the percentage ranges listed below was assigned to each district:

[1]MINNESOTA LAW REVIEW, "Partisan Gerrymandering in the Post-Bandemere Era", Backstrom, et. al., Constitutional Commentary, [Vol. 4:285 1987], p 92.

Percent of Circumscribed Circle Occupied by Proposed District	Index Number Assigned
0 to 25 percent	1
26 to 40 percent	2
41 to 60 percent	3
61 to 75 percent	4
76 to 100 percent	5

The assigned index numbers are based on visual, "eyeballed", estimates. It should be noted that the individual district estimated indexes that are tabulated in this exhibit cannot be compared district by district between the three plans because the district numbering systems used by each plan do not result in comparably numbered districts. Only the Index Totals shown and summarized on the last page are directly comparable.

The results of the analysis are summarized below:

1. For both House and Senate Districts the Plaintiff's proposed districts are very slightly more compact (i.e., by a 3% margin) than the Defendant's Districts. For House Districts the Federal Court districts are significantly more compact than either of the other two proposed plans (i.e., 15% more compact than the Defendant's districts and 12% more compact than the Plaintiff's districts.)

For Senate Districts the Federal Court districts are 8% more compact than the Defendant's districts and 5% more compact than the Plaintiff's districts.

2. The distribution, by Index Number, for each plan appears as follows:

Index # & Pct	Plaintiff House	Plaintiff Senate	Defendant House	Defendant Senate	Court Plan House	Court Plan Senate
1 (0-25%)	26	7	32	9	18	8
2 (26-40%)	59	38	62	38	52	29
3 (41-60%)	44	20	28	18	47	27
4 (61-75%)	5	2	12	2	16	3
5 (76-100%)	0	0	0	0	1	0
	134	67	134	67	134	67
Relative Index-	103	103	100	100	115	108
Mean	2.21	2.25	2.15	2.19	2.48	2.39

In summary, there appears to be little significant difference between the Defendant's and the Plaintiff's proposals with respect to relative district compactness. On balance, the Plaintiff's proposal shows a marginally better mean index and a larger number of total House and Senate Districts that fall in the more compact (Index Numbers 3 and 4) measurements. The Federal Court plan, on the other hand, has approximately 50 percent more districts falling in the Index Numbers 3 and 4 category than either of the other two plans. To the extent that a lack of compactness may indicate a potential for gerrymandering for partisan purposes the Federal Court plan shows the lowest potential.

The pages that follow are a tabulation of the data on a district-by-district basis.

COMPACTNESS VISUAL INDEX		MASTERS DIST NUMBER		COMPACTNESS VISUAL INDEX	
HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	2		1		3
2		1A		3	
2		1B		2	
	2		2		2
1		2A		1	
1		2B		1	
	1		3		1
1		3A		2	
1		3B		4	
	2		4		2
2		4A		2	
2		4B		3	
	1		5		3
1		5A		3	
2		5B		2	
	3		6		1
3		6A		1	
2		6B		3	
	2		7		2
2		7A		1	

DEFNDT DIST NUMBER		COMPACTNESS VISUAL INDEX		PLNTIF DIST. NUMBER		C VI
HSE	SEN	HOUSE	SENATE	HSE	SEN	HO
	1		2		1	
1A		2		1A		
1B		2		1B		
	2		2		2	
2A		3		2A		
2B		1		2B		
	3		2		3	
3A		2		3A		
3B		1		3B		
	4		2		4	
4A		2		4A		
4B		2		4B		
	5		2		5	
5A		2		5A		
5B		2		5B		
	6		2		6	
6A		1		6A		
6B		2		6B		
	7		2		7	
7A		1		7A		

DEFNDT DIST NUMBER HSE	DEFNDT DIST NUMBER SEN	COMPACTNESS VISUAL INDEX HOUSE	COMPACTNESS VISUAL INDEX SENATE	PLNTIF DIST. NUMBER HSE	PLNTIF DIST. NUMBER SEN	COMPACTNESS VISUAL INDEX HOUSE	COMPACTNESS VISUAL INDEX SENATE	MASTERS DIST NUMBER HSE	MASTERS DIST NUMBER SEN	COMPACTNESS VISUAL INDEX HOUSE	COMPACTNESS VISUAL INDEX SENATE
7B		1		7B		1		7B		1	
	8		2		8		2		8		1
8A		2		8A		3		8A		3	
8B		3		8B		1		8B		1	
	9		3		9		3		9		2
9A		4		9A		3		9A		3	
9B		2		9B		3		9B		2	
	10		1		10		3		10		2
10A		4		10A		2		10A		4	
10B		2		10B		2		10B		3	
	11		1		11		1		11		3
11A		2		11A		1		11A		2	
11B		3		11B		2		11B		3	
	12		2		12		2		12		3
12A		3		12A		2		12A		2	
12B		2		12B		2		12B		3	
	13		4		13		2		13		2
13A		2		13A		4		13A		2	
13B		1		13B		3		13B		3	
	14		2		14		3		14		3

DEFNDT DIST NUMBER HSE	DEFNDT DIST NUMBER SEN	COMPACTNESS VISUAL INDEX HOUSE	COMPACTNESS VISUAL INDEX SENATE	PLNTIF DIST. NUMBER HSE	PLNTIF DIST. NUMBER SEN	COMPACTNESS VISUAL INDEX HOUSE	COMPACTNESS VISUAL INDEX SENATE	MASTERS DIST NUMBER HSE	MASTERS DIST NUMBER SEN	COMPACTNESS VISUAL INDEX HOUSE	COMPACTNESS VISUAL INDEX SENATE
14A		3		14A		3		14A		3	
14B		2		14B		2		14B		2	
	15		3		15		3		15		1
15A		4		15A		2		15A		2	
15B		3		15B		3		15B		3	
	16		3		16		2		16		3
16A		2		16A		3		16A		3	
16B		3		16B		2		16B		2	
	17		3		17		1		17		2
17A		2		17A		1		17A		2	
17B		1		17B		2		17B		3	
	18		3		18		2		18		1
18A		2		18A		2		18A		3	
18B		1		18B		3		18B		2	
	19		3		19		2		19		3
19A		3		19A		2		19A		2	
19B		1		19B		3		19B		2	
	20		2		20		3		20		2
20A		2		20A		3		20A		3	
20B		1		20B		3		20B		4	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE
	21		1		21		2		21		3
21A		2		21A		3		21A		4	
21B		2		21B		4		21B		3	
	22		3		22		2		22		4
22A		3		22A		2		22A		3	
22B		3		22B		2		22B		2	
	23		2		23		2		23		2
23A		1		23A		2		23A		2	
23B		2		23B		1		23B		2	
	24		3		24		1		24		3
24A		1		24A		1		24A		3	
24B		2		24B		2		24B		4	
	25		3		25		2		25		3
25A		1		25A		1		25A		3	
25B		1		25B		3		25B		4	
	26		3		26		3		26		2
26A		3		26A		4		26A		1	
26B		2		26B		2		26B		2	
	27		2		27		3		27		2
27A		4		27A		3		27A		1	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE
27B		4		27B		3		27B		3	
	28		2		28		3		28		2
28A		2		28A		3		28A		3	
28B		1		28B		2		28B		3	
	29		1		29		2		29		3
29A		1		29A		1		29A		2	
29B		2		29B		1		29B		3	
	30		3		30		3		30		2
30A		3		30A		2		30A		2	
30B		1		30B		2		30B		2	
	31		3		31		2		31		3
31A		2		31A		2		31A		2	
31B		2		31B		1		31B		2	
	32		2		32		2		32		2
32A		1		32A		1		32A		3	
32B		2		32B		1		32B		2	
	33		3		33		2		33		3
33A		4		33A		3		33A		4	
33B		1		33B		2		33B		1	
	34		3		34		2		34		2

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL HOUSE	INDEX SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL HOUSE	INDEX SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL HOUSE	INDEX SENATE
34A		2		34A		2		34A		1	
34B		2		34B		2		34B		2	
	35		2		35		2		35		3
35A		2		35A		3		35A		4	
35B		4		35B		2		35B		3	
	36		2		36		2		36		3
36A		2		36A		2		36A		2	
36B		3		36B		3		36B		4	
	37		3		37		2		37		3
37A		3		37A		1		37A		2	
37B		2		37B		2		37B		4	
	38		2		38		3		38		3
38A		2		38A		3		38A		3	
38B		1		38B		3		38B		3	
	39		2		39		3		39		3
39A		4		39A		3		39A		2	
39B		3		39B		3		39B		2	
	40		2		40		3		40		3
40A		2		40A		3		40A		3	
40B		1		40B		2		40B		4	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL HOUSE	INDEX SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL HOUSE	INDEX SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL HOUSE	INDEX SENATE
	41		2		41		3		41		2
41A		2		41A		1		41A		2	
41B		2		41B		2		41B		1	
	42		2		42		3		42		4
42A		3		42A		2		42A		3	
42B		2		420		3		42B		2	
	43		2		43		1		43		1
43A		1		43A		2		43A		1	
43B		2		43B		4		43B		2	
	44		2		44		2		44		3
44A		1		44A		3		44A		3	
44B		3		44B		2		44B		2	
	45		2		45		2		45		2
45A		2		45A		3		45A		3	
45B		2		45B		2		45B		3	
	46		4		46		3		46		3
46A		2		46A		3		46A		2	
46B		2		46B		2		46B		3	
	47		2		47		2		47		3
47A		4		47A		1		47A		2	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE
47B		3		47B		2		47B		3	
	48		1		48		2		48		3
48A		1		48A		2		48A		2	
48B		2		48B		3		48B		2	
	49		2		49		1		49		2
49A		1		49A		2		49A		2	
49B		2		49B		1		49B		3	
	50		2		50		2		50		2
50A		2		50A		1		50A		2	
50B		2		50B		2		50B		3	
	51		1		51		2		51		1
51A		4		51A		3		51A		2	
51B		2		51B		2		51B		2	
	52		2		52		4		52		2
52A		3		52A		3		52A		1	
52B		2		52B		3		52B		3	
	53		3		53		4		53		3
53A		1		53A		3		53A		2	
53B		3		53B		3		53B		2	
	54		3		54		2		54		2

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE
54A		2		54A		2		54A		1	
54B		2		54B		3		54B		1	
	55		1		55		3		55		1
55A		2		55A		2		55A		2	
55B		1		55B		3		55B		1	
	56		1		56		2		56		2
56A		3		56A		2		56A		3	
56B		1		56B		1		56B		3	
	57		2		57		2		57		3
57A		1		57A		1		57A		2	
57B		3		57B		2		57B		2	
	58		2		58		2		58		2
58A		3		58A		2		58A		3	
58B		4		58B		3		58B		5	
	59		2		59		3				2
59A		3		59A		3		59A	59	3	
59B		3		59B		3		59B		2	
	60		2		60		3		60		3
60A		2		60A		2		60A		2	
60B		3		60B		3		60B		4	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE
	61		2		61		2		61		2
61A		3		61A		2		61A		1	
61B		2		61B		3		61B		1	
	62		2		62		2		62		3
62A		2		62A		2		62A		3	
62B		2		62B		2		62B		3	
	63		2		63		2		63		2
63A		2		63A		2		63A		4	
63B		2		63B		3		63B		2	
	64		3		64		3		64		4
64A		1		64A		1		64A		2	
64B		4		64B		4		64B		4	
	65		2		65		2		65		2
65A		3		65A		2		65A		3	
65B		2		65B		2		65B		2	
	66		1		66		2		66		2
66A		1		66A		3		66A		4	
66B		2		66B		2		66B		4	
	67		2		67		2		67		2
67A		1		67A		2		67A		3	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS VISUAL INDEX HOUSE	SENATE
67B		2		67B		1		67B		3	
TOTAL		288	147	TOTAL		296	151	TOTAL		332	159

RELATIVE NDX, HOUSE
DEFENDANT=1.00
PLAINTIFF=1.03
MASTERS =1.15

RELAT1VE NDX, SENATE
DEFENDANT=1.00
PLAINTIFF=1.03
MASTERS =1.08

ORDER AND PLANS OF REDISTRICTING
U.S. DISTRICT COURT
CIV. 4-91-202
III. EXHIBITS
2. STATISTICAL COMPACTNESS ANALYSIS

LEGISLATIVE REDISTRICTING -
DISTRICT COMPACTNESS ANALYSIS

DEFENDANT-PLAINTIFF-FEDERAL COURT PLANS
COMPARED

METHOD 2, STATISTICAL COMPARISONS

Each of the 134 House and 67 Senate Districts as proposed by the Defendant, the Plaintiff and the Federal Court Plans were analyzed by two different techniques in order to measure the relative compactness of the Districts in each plan.

In this Exhibit, the analytical process was comprised of statistically measuring the ratio of the area of the district to the area of a circle whose circumference is equal to the perimeter of the measured district.[1] The statistical technique results in an index number of between 0.00 and 1.00 for each district. The closer the index approaches 1.00, the more compact the district. As in Exhibit 1, the indexes were calculated for each district proposed by the Defendants, the Plaintiffs and the Federal Court Plan:

[1]YALE LAW AND POLICY REVIEW, "The Third Criterion: Compactness as a Procedural Safeguard Against Partisan Gerrymandering", Polsby and Popper, Vol. 9:301, 1991, p349.

It should be noted again, that the individual district estimated indexes that are tabulated in this exhibit cannot be compared district by district between the three plans because the district numbering systems used by each plan do not result in comparably numbered districts. Only the Index Totals shown and summarized on the last page are directly comparable.

The results of the analysis are summarized below:

1. House Districts:

At the House district level the Defendant's average compactness ratio is 0.41; the Plaintiff's ratio is 0.42 and, the Federal Court Plan ratio. is 0.44. When the Defendant's plan is indexed to 1.000 the Plaintiff's plan index is 1.010 (1.0% more compact) and the Federal Court plan index is 1.071 (7.1% more compact).

2. Senate Districts:

At the Senate district level the Defendant's average compactness ratio is 0.40; the Plaintiff's ratio is 0.36 and, the Federal Court Plan ratio is 0.40. When the Defendant's plan is indexed to 1.000 the Plaintiff's plan index is 0.903 (9.7% less compact) and the Federal Court plan index is 1.000 (the same as the Defendant's index).[2]

In summary, this second method of measuring compactness confirms the results of the visual (or "eyeball") method detailed in EXHIBIT 1. Both methods are recognized methodologies for the estimation of relative district

[2]The creation of the "super-majority" minority Senate district in Minneapolis by the Court reduced its previous ratio from .51 to .40. Without that district, which the Defendant's plan does not contain, the Court plan is significantly more compact than the Defendant's plan.

compactness as a test for potential indications of partisan gerrymandering. In the plans evaluated herein both methods provide results that indicate that, of the three plans examined, the Federal Court plan has the lowest potential for gerrymander.

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN
	1		.23		1		.40		1
1A		.39		1A		.38		1A	
1B		.36		1B		.43		1B	
	2		.20		2		.50		2
2A		.23		2A		.36		2A	
2B		.28		2B		.53		2B	
	3		.25		3		.34		3
3A		.34		3A		.38		3A	
3B		.29		3B		.66		3B	
	4		.24		4		.36		4
4A		.48		4A		.38		4A	
4B		.19		4B		.37		4B	
	5		.19		5		.24		5
5A		.29		5A		.26		5A	
5B		.32		5B		.43		5B	
	6		.55		6		.37		6
6A		.37		6A		.35		6A	
6B		.36		6B		.49		6B	

DEFNDT DIST NUMBER		COMPACTNESS POLSBY INDEX		PLNTIF DIST. NUMBER		COMPACTNESS POLSBY INDEX		MASTERS DIST NUMBER		COMPACTNESS POLSBY INDEX	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	7		.16		7		.23		7		.17
7A		.14		7A		.27		7A		.16	
7B		.23		7B		.16		7B		.26	
	8		.40		8		.21		8		.44
8A		.49		8A		.30		8A		.44	
8B		.45		8B		.20		8B		.41	
	9		.32		9		.33		9		.32
9A		.24		9A		.37		9A		.27	
9B		.29		9B		.44		9B		.29	
	10		.37		10		.61		10		.40
10A		.54		10A		.62		10A		.45	
10B		.49		10B		.46		10B		.32	
	11		.33		11		.25		11		.51
11A		.43		11A		.35		11A		.48	
11B		.51		11B		.34		11B		.63	
	12		.37		12		.32		12		.41
12A		.60		12A		.43		12A		.36	
12B		.31		12B		.41		12B		.39	

DEFNDT DIST NUMBER		COMPACTNESS POLSBY INDEX		PLNTIF DIST. NUMBER		COMPACTNESS POLSBY INDEX		MASTERS DIST NUMBER		COMPACTNESS POLSBY INDEX	
HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE	HSE	SEN	HOUSE	SENATE
	13		.55		13		.41		13		.34
13A		.45		13A		.54		13A		.39	
13B		.32		13B		.45		13B		.44	
	14		.25		14		.44		14		.31
14A		.33		14A		.61		14A		.49	
14B		.31		14B		.47		14B		.42	
	15		.38		15		.47		15		.33
15A		.72		15A		.48		15A		.50	
15B		.38		15B		.59		15B		.48	
	16		.40		16		.35		16		.24
16A		.24		16A		.40		16A		.26	
16B		.51		16B		.47		16B		.20	
	17		.40		17		.24		17		.29
17A		.42		17A		.27		17A		.26	
17B		.35		17B		.46		17B		.61	
	18		.49		18		.36		18		.41
18A		.46		18A		.46		18A		.57	
18B		.29		18B		.57		18B		.48	

DEFNDT DIST NUMBER HSE	DEFNDT DIST NUMBER SEN	COMPACTNESS POLSBY HOUSE	COMPACTNESS INDEX SENATE	PLNTIF DIST. NUMBER HSE	PLNTIF DIST. NUMBER SEN	COMPACTNESS POLSBY HOUSE	COMPACTNESS INDEX SENATE	MASTERS DIST NUMBER HSE	MASTERS DIST NUMBER SEN	COMPACTNESS POLSBY HOUSE	COMPACTNESS INDEX SENATE
	19		.47		19		.28		19		.27
19A		.48		19A		.34		19A		.23	
19B		.28		19B		.36		19B		.51	
	20		.35		20		.54		20		.31
20A		.40		20A		.58		20A		.46	
20B		.29		20B		.71		20B		.45	
	21		.40		21		.35		21		.24
21A		.41		21A		.44		21A		.40	
21B		.54		21B		.56		21B		.27	
	22		.67		22		.17		22		.59
22A		.66		22A		.26		22A		.59	
22B		.57		22B		.31		22B		.57	
	23		.30		23		.31		23		.35
23A		.24		23A		.62		23A		.51	
23B		.25		23B		.38		23B		.34	
	24		.39		24		.36		24		.45
24A		.13		24A		.49		24A		.39	
24B		.20		24B		.51		24B		.51	

DEFNDT DIST NUMBER HSE	DEFNDT DIST NUMBER SEN	COMPACTNESS POLSBY HOUSE	COMPACTNESS INDEX SENATE	PLNTIF DIST. NUMBER HSE	PLNTIF DIST. NUMBER SEN	COMPACTNESS POLSBY HOUSE	COMPACTNESS INDEX SENATE	MASTERS DIST NUMBER HSE	MASTERS DIST NUMBER SEN	COMPACTNESS POLSBY HOUSE	COMPACTNESS INDEX SENATE
	25		.62		25		.32		25		.44
25A		.31		25A		.42		25A		.45	
25B		.42		25B		.50		25B		.70	
	26		.52		26		.48		26		.26
26A		.49		26A		.25		26A		.24	
26B		.47		26B		.39		26B		.41	
	27		.68		27		.58		27		.23
27A		.78		27A		.72		27A		.25	
27B		.71		27B		.45		27B		.39	
	28		.47		28		.37		28		.47
28A		.66		28A		.50		28A		.67	
28B		.37		28B		.23		28B		.62	
	29		.40		29		.51		29		.46
29A		.25		29A		.40		29A		.33	
29B		.48		29B		.29		29B		.45	
	30		.05		30		.26		30		.23
30A		.15		30A		.28		30A		.32	
30B		.05		30B		.24		30B		.32	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS POLSBY HOUSE	INDEX SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS POLSBY HOUSE	INDEX SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS POLSBY HOUSE	INDEX SENATE
	31		.27		31		.36		31		.35
31A		.15		31A		.34		31A		.23	
31B		.46		31B		.45		31B		.38	
	32		.54		32		.58		32		.46
32A		.31		32A		.36		32A		.29	
32B		.53		32B		.51		32B		.57	
	33		.43		33		.51		33		.43
33A		.40		33A		.55		33A		.63	
33B		.29		33B		.37		33B		.22	
	34		.39		34		.29		34		.26
34A		.45		34A		.29		34A		.21	
34B		.37		34B		.25		34B		.38	
	35		.34		35		.43		35		.39
35A		.30		35A		.65		35A		.56	
35B		.60		35B		.52		35B		.37	
	36		.49		36		.38		36		.46
36A		.47		36A		.54		36A		.49	
36B		.62		36B		.46		36B		.69	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS POLSBY HOUSE	INDEX SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS POLSBY HOUSE	INDEX SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS POLSBY HOUSE	INDEX SENATE
	37		.44		37		.42		37		.50
37A		.50		37A		.25		37A		.47	
37B		.43		37B		.50		37B		.49	
	38		.38		38		.59		38		.55
38A		.41		38A		.62		38A		.44	
38B		.30		38B		.51		38B		.49	
	39		.60		39		.45		39		.52
39A		.47		39A		.47		39A		.44	
39B		.60		39B		.41		39B		.38	
	40		.35		40		.32		40		.39
40A		.38		40A		.38		40A		.63	
40B		.27		40B		.42		40B		.40	
	41		.29		41		.48		41		.41
41A		.42		41A		.44		41A		.41	
41B		.33		41B		.60		41B		.38	
	42		.33		42		.54		42		.43
42A		.36		42A		.41		42A		.60	
42B		.40		42B		.64		42B		.31	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE
	43		.31		43		.28		43		.38
43A		.15		43A		.32		43A		.37	
43B		.32		43B		.49		43B		.42	
	44		.31		44		.18		44		.56
44A		.22		44A		.53		44A		.41	
44B		.47		44B		.23		44B		.65	
	45		.22		45		.22		45		.47
45A		.28		45A		.28		45A		.54	
45B		.39		45B		.43		45B		.63	
	46		.50		46		.44		46		.40
46A		.33		46A		.47		46A		.24	
46B		.25		46B		.30		46B		.30	
	47		.55		47		.33		47		.35
47A		.64		47A		.32		47A		.30	
47B		.47		47B		.49		47B		.56	
	48		.25		48		.33		48		.33
48A		.33		48A		.40		48A		.33	
48B		.43		48B		.34		48B		.46	

DEFNDT DIST NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE	PLNTIF DIST. NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE	MASTERS DIST NUMBER HSE	SEN	COMPACTNESS POLSBY INDEX HOUSE	SENATE
	49		.34		49		.12		49		.59
49A		.27		49A		.24		49A		.35	
49B		.29		49B		.22		49B		.47	
	50		.63		50		.41		50		.47
50A		.49		50A		.38		50A		.55	
50B		.55		50B		.41		50B		.33	
	51		.36		51		.26		51		.44
51A		.62		51A		.50		51A		.45	
51B		.49		51B		.29		51B		.63	

United States District Court
District of Minnesota
Fourth Division

James Emison, Judy Fairbanks, Marie Iverson, Ken Dean, Steve Castillo, Lew Freeman, and Yao Lo, individually and on behalf of all Citizens and Voters of the State of Minnesota similarly situated,

Plaintiffs,

and

Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein, and Theodore Suss, individually and on behalf of all Citizens of Minnesota similarly situated,

Intervening Plaintiffs,

v.

Joan Growe, Secretary of State of the State of Minnesota; Mark Lundgren, Carver County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendants,

and

The Seventy-seventh Minnnesota State House of Representatives; and the Seventy-seventh Minnesota State Senate,

Defendant Intervenors,

CIVIL #4-91-202

ORDER DENYING STAY

and

Patrick O'Connor, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendant Intervenor.

AND

Duane Benson, Terry Dempsey, Delores Hettig, Richard Harmon, David E. Peterson, E.M. Patricia Pidcock, and Frank Ringsmuth,

Plaintiffs,

v.

Joan Growe, Secretary of State of the State of Minnesota,

Defendant,

and

Patrick O'Connor, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendant Intervenor.

Before DONALD P. LAY, United States Circuit Judge, HARRY H. MacLAUGHLIN, United States District Judge, and PAUL A. MAGNUSON, United States District Judge.

On August 21, 1991, this court unanimously issued an order which set January 20, 1992, as the latest date for the Legislature and the Governor of the State of Minnesota, i.e., the legislative process,[1] to adopt a valid plan for state legislative and congressional redistricting.[2] The failure of

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[1] *See Duxbury v. Donovan,* 272 Minn. 424, 432-33, 138 N.W.2d 692, 698 (1965), discussing *Smiley v. Holm,* 285 U.S. 355 (1932).

[2] *Emison v. Growe,* 4-91-202 (D. Minn. Aug. 21, 1991) (Memorandum and Order).

the state to so act would then cause this court to assume the obligation to issue a final plan in accordance with the principles set forth in *Scott v. Germano,* 381 U.S. 407 (1965). We announced that this court would not defer or abstain to the state agencies (including the state courts) after January 20, 1992, because any substantive review by the state court's appellate process would take too long to allow a valid plan to be approved and implemented in time for the 1992 election. All parties have agreed that a redistricting plan should be in place no later than March 1, 1992. As a result, this court needed sufficient time after January 20, 1992, to weigh the issues before it and provide relief if necessary.

The August 21, 1991, order noted that the federal complaint contained allegations of violations of the Voting Rights Act, 42 U.S.C. § 1973 (1988). It also pointed out that the state suit pending at that time[3] did not contain similar allegations, a fact which has been acknowledged before this court by the parties on numerous occasions. In the order filed on February 19, 1992, this court concluded that the plaintiffs had proven the existence of violations under the Voting Rights Act and that the proposed redistricting plan of the defendant intervenors did not remedy those violations.[4] That plan, as set forth in the constitutionally infirm Chapter 246[5] and its vetoed amendment Senate File 1596,[6] was unlawful in that it perpetuated the dilution of minority voting interests.

It is the belief of this court that our order of August 21,

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[3] *Cotlow v. Growe,* No. C8-91-985 (Minn. Special Redistricting Panel, filed Jan., 1991).

[4] *Emison,* 4-91-202 (D. Minn. Feb. 19, 1992) (Memorandum Opinion and Order).

[5] *Cotlow,* No. C8-91-985 (Minn. Special Redistricting Panel filed Oct. 1, 1991) (Pretrial Order No. 4 at 3).

[6] Following passage of state legislative and congressional redistricting legislation by the Minnesota Legislature on January 9, 1992, Governor Arne H. Carlson vetoed both measures the same day.

1991, provided sufficient notification to all parties as to the jurisdiction of this court and the attendant necessity of it to act on the matter of redistricting in the event that a valid plan was not adopted by the state legislative process on or before January 20, 1992. The attempt by the state court to implement a redistricting plan in November and December of 1991, prior to full consideration and debate of all proposed redistricting legislation by the legislative process, was clearly premature and derogated this court's jurisdictional statement. It was on this basis that this court issued its injunction on December 5, 1991. After the Legislature acted and the Governor vetoed Senate File 1596, the purpose of the injunction was served and thereafter dissolved by the Supreme Court of the United States.

The state court plan was developed by and received the partisan endorsement of the Democratic-Farmer-Labor legislative party. That plan was based on the seriously defective, unconstitutional statute Chapter 246. We could not discern any state policy from the unconstitutional Chapter 246 or the vetoed Senate File 1596. As a result, this court has proceeded to take action based on the only ascertainable expressions of state policy on redistricting, which are found in the Minnesota State Constitution[7] and the bipartisan concurrent resolution adopted by both houses of the Minnesota Legislature.[8]

As we have indicated, the plan proposed by the defendant intervenors and adopted by the state court is not only gerrymandered to protect incumbents in Minneapolis, foretelling the continued dilution of minority voting rights, but it also contains unwarranted population deviations and lacks compactness statewide. Our order of February 19, 1992, redistricting the state legislative and congressional districts of Minnesota must stand and

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[7] Minn. Const. art. IV, §§ 2 and 3.

[8] Minn. H.R. Con. Res. No. 2, 77th Leg., Reg. Sess. (1991) (cited in *Emison,* 4-91-202 (D. Minn. Feb. 19, 1992)) (Memorandum Opinion and Order at 38).

should be implemented.

THEREFORE, the motion of the defendant intervenors to stay the effect of our order dated February 19, 1992, is DENIED.

DATED: March 9, 1992.

BY THE COURT

Donald P. Lay

Paul A. Magnuson

Judge Harry H. MacLaughlin would grant the stay and dissents from the above order and strongly disagrees with the reasoning contained in said order. *See* dissent in *Emison v. Growe,* 4-91-202 (D. Minn. Feb. 19, 1992).

United States District Court
District of Minnesota
Fourth Division

DUANE BENSON, TERRY DEMPSEY, DELORES HETTIG, RICHARD HARMON, DAVID E. PETERSON, E. M. PATRICIA PIDCOCK, AND FRANK RINGSMUTH,

Plaintiffs,

v.

JOAN GROWE, SECRETARY OF STATE OF THE STATE OF MINNESOTA,

Defendant.

Court File No. 4-91-603

FIRST AMENDED COMPLAINT

Plaintiffs, for their claim for relief against Defendant, allege and state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action under the provisions of 28 U.S.C. Section 1331, 28 U.S.C. Section 1343(a) (3)-(4), 28 U.S.C. Section 2284, and 42 U.S.C. Sections 1983 and 1988. Declaratory and injunctive relief are appropriate under 28 U.S.C. Sections 2201 and 2202. This Court has jurisdiction over the state law claims in Count III of this Complaint under the doctrine of pendent jurisdiction.

2. Venue is proper under 28 U.S.C. Section 1391.

PARTIES

3. Plaintiffs are citizens and qualified voters of the United States and the State of Minnesota. Plaintiffs intend to vote in the 1992 elections for Minnesota State legislative and United States federal congressional representatives, have voted for Independent-Republican ("I-R") candidates in the past and intend to do so in the future. Plaintifss reside in the Minneapolis - St. Paul metropolitan area as well as various other localities throughout Minnesota.

4. Plaintiffs bring this action individually and on behalf of themselves and all other citizens and voters of the United States and the state of Minnesota who are similarly situated by denial of their legal rights through the current geographic boundary plan of State legislative districts as further stated below. The class of persons, as outlined above, to be denied their legal rights through residence in State legislative districts set forth in Senate File 1571, to be codified as Laws Minnesota, 1991, Chapter 246 ("Chapter 246"), attached hereto and made a part hereof as Exhibit A, is so numerous that joinder of all members is impracticable. The legality of the plan of State Legislative districts set forth in Chapter 246 presents questions of fact and law common to the class. The claims of the named individuals are typical of the claims of the members of the class. The individuals named as Plaintiffs will fairly and adequately protect the interests of the class. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications that would establish incompatible standards of conduct for Defendant. Defendant has acted and will act on grounds generally applicable to the class, as previously stated, thereby making necessary the appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

5. Plaintiff Benson is the Minority Leader of the Minnesota State Senate. Plaintiff Dempsey is the Minority Leader of the Minnesota State House of Representatives.

Plaintiffs Benson and Dempsey bring this action as individuals and citizens, not in their capacities as elected representatives or minority caucaus leaders.

6. Defendant Joan Growe is the duly elected and qualified Secretary of State of the state of Minnesota. In her official capacity, pursuant to Minnesota Constitution, Article V, Section 4 and Article VII, Section 8, and Minnesota Statutes, Chapters 200-211B, she is the chief election officer of the state of Minnesota and is responsible for a variety of election duties, such as giving notice of offices to be voted on in the next election, accepting affidavits of candidacy from candidates for certain public offices, supervising the prepartion and distribution of ballots, issuing certificates of election to certain successful candidates, and receiving election returns.

7. Upon information and belief, Plaintiffs allege that Defendant intends to and will conduct her duties with respect to the 1992 primary and general elections for candidates for the Minnesota State Legislature based upon the geographic boundaries for State Senate and State Represenative districts as described in Chapter 246, unless restrained by this Court.

8. Plaintiffs allege that they intend to and will vote in the 1992 primary and general elections for State legislative representatives. If these elections are conducted on the basis of current State legislative districts, Plaintiffs and similarly situated voters and citizens will be denied their legal rights.

9. Notice of this action will be given to the Governor and Attorney General of the state of Minnesota by transmitting to each a copy of this First Amended Complaint by certified mail.

BACKGROUND

10. Minnesota's former State legislative districts in effect since 1982 were established by this Court in *LaComb v. Growe*, 541 F. Supp. 160 (D. Minn. 1982), and were

reflected in Minnesota Statutes Sections 2.019 and 2.042-2.702.

11. Upon information and belief, at all times material herein, the official 1990 Population Census as distributed by the United States Department of Commerce and as authorized under 12 U.S.C. Section 141 (1975) ("1990 Census") was used by the Minnesota State Legislature in determining population numbers for State legislative districts.

12. On May 16, 1991, and May 18, 1991, the Minnesota State Senate and Minnesota State House of Representatives, respectively, passed Senate File 1571, a bill setting forth a new plan of reapportioned State legislative district boundaries. The bill passed the Minnesota State Senate 38 yeas to 27 nays, with 38 legislators affiliated with the State Democratice Farmer - Labor Political Party Caucus ("DFL") voting for the bill and 20 legislators affiliated with the State Independent-Republican Political Party Caucus ("I-R") voting against the bill. I-R Political Party Caucus membership opposition to Senate File 1571 was unanimous, and seven DFL Political Party Caucus members joined I-R Senate members in voting against the bill. The bill passed the Minnesota State House 70 yeas to 61 nays. Sixty-nine DFL House members and 1 I-R House member voted for the bill, and 53 I-R House members voted against S.F. 1571 joined by 8 DFL House members.

13. On May 20, 1991, the Minnesota State Senate amended a 25 page "Technical Corrections Document [CORR-9]" onto the House "end of the legislative session" Minnesota State Revisor of Statutes bill (S.F. 1562). The amendment attempted to correct errors found by State DFL legislative members in the redistricting plan (S.F. 1571) previously passed by both bodies. The revisor's bill as amended by the "Technical Corrections Document [CORR-9]" was transmitted to the House, but the bill was not voted upon by the House. The Minnesota State Legislature thus adjourned without otherwise altering S.F. 1571, although the legislative history of this amendment certainly signifies knowledge, at least on the

part of the Senate majority members voting for CORR-9, that S.F. 1571 was a flawed State legislative redistricting plan.

14. S.F. 1571 was presented to the Governor of the state of Minnesota who announced publicly that he fully intended to veto the bill and did, in fact, attempt to veto S.F. 1571. The validity of the Governor's veto of the bill was challenged in *The Seventy-seventh Minnesota State Senate and Seventy-seventh Minnesota State House of Representatives v. Arne H. Carlson, Governor of Minnesota, and Joan A. Growe, Secretary of State of Minnesota,* (Ramsey County District Court File Number C3-91-7547). On August 2, 1991, the Ramsey County District Court, through its chief judge, ruled that the veto by the Governor was invalid and that Chapter 246 is now the law of the state of Minnesota.

15. A legal action has been filed in United States District Court (District of Minnesota) alleging that the former geographic boundaries of State legislative and United States federal congressional districts be declared unconstitutional and unlawful and asking that the legislative and congressional district boundaries be redrawn if the State legislature fails to do so. *See Emison v. Growe,* United States District Court for the District of Minnesota (Court File No. 4-91-202).

16. A separate action including redistricting has been filed in state court, *Cotlow v. Growe,* Hennepin County District Court (Court File No. MX 91-0015627), where the state court has been asked to enact new state legislative and U. S. federal congressional districts if the Minnesota State Legislature fails to do so.

COUNT I

EXCESSIVE POPULATION AND OTHER DEVIATIONS FROM MANDATORY STANDARDS

17. Paragraphs 1 through 16 of the Complaint are realleged and incorporated by reference as is fully stated herein.

18. Section 1 of the fourteenth amendment to the Constitution of the United States provides:

> No state shall make or enforce any law which shall abridge the priviledges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This provision guarantees to the citizens of each state that their votes shall be equally as effective as any other votes cast in federal and state elections, and that State legislative representatives shall be elected on the basis of equal representation of the individual voters in the state. Further, this provision guarantees that State legislative representation shall be equally apportioned throughout a state in districts of equal population.

19. When establishing its former geographic boundary plan of State legislative districts in 1981, this Court in *LaComb v. Growe*, 541 F. Supp. 160 (D. Minn. 1982) (Civ. 4-81-152), by order dated December 29, 1981, attached hereto and made a part hereof as Exhibit B, adopted the mandatory criterion that deviations among State legislative districts in population equality could not exceed plus or minus 2%, and then only when necessary to facilitate implementation of other criteria.

20. On or about May 13, 1991, the Minnesota State House and Minnesota State Senate adopted unanimously, a concurrent resolution, House Concurrent Resolution 2, relating to legislative redistricting. This resolution established standards for legislative district geographic boundary plans, and set forth the standards and criteria

that the elected members of the State Legislature agreed to use in establishing a plan for State legislative districts. The resolution set forth 2% as the maximum permissible deviation from population equality as determined by the 1990 Census among legislative districts. A copy of the House Concurrent Resolution 2 is attached hereto as Exhibit C. and made a part hereof.

21. Chapter 246 contains excessive population deviations in the geographic boundaries of State legislative districts in violation of the federal constitutional protections, this Court's mandates, and State legislative mandates listed above as follows:

a. Senate District 30 has a population of 70,745 according to the 1990 Census, a deviation of *8.34% over* the ideal senate district population of 65,300.

b. House District 53B has a population of 28,160 according to the 1990 Census, a deviation of *13.75% under* the ideal house district population of 32,650.

c. Senate District 31 has a population of 59,452 according to the 1990 Census, a deviation of *8.96% under* the ideal for a senate district.

d. House District 30A has a population of 37,091 according to the 1990 Census, a deviation of *13.6% over* the ideal for a house district.

22. Chapter 246 also contains deviations from the federal constitutional protections, this Court's mandates and State legislative mandated criteria for State legislative district reapportionment plans stated above, because the geographical boundaries of certain areas in the State of Minnesota cannot be identified at all, including but not limited to the following:

a. The geographic boundaries between Senate Districts 6 and 7;

b. The geographic boundaries between Senate Districts 42 and 43;

c. The geographic boundaries between Senate Districts 50 and 51;

d. The geographic boundaries between House Districts 7A and 7B;

e. The geographic boundaries between House Districts 52A and 52B;

Therefore these State legislative districts have no determinable size, and the population deviations are impossible to calculate.

23. As stated above Chapter 246 contains populations deviations in the geographic boundaries of State legislative districts that violate Plaintiffs' rights as citizens of the United States as guaranteed by Section 1 of the Fourteenth Amendment to the Constitution of the United States as follows:

a. To have their votes in State legislative elections to be equally as effective as any other votes cast in State legislative elections;

b. That Minnesota State Senators and Minnesota State Representatives shall be elected on the basis of equal representation of the individual voters in the state;

c. That State legislative representatives shall be equally apportioned throughout the state in geographic boundary districts of equal population; and

d. That a citizen of the United States shall not be discriminated against as a voter because she or he resides in a more highly populated legislative district in contrast to the exaggeration of power for a citizen as a voter in a less populated legislative district.

24. As a result of these excessive population and other deviations from mandated standards as outlined above, unless Defendant is restrained from acting in furtherance

of her official duties in complying with Chapter 246, Plaintiffs and those similarly situated will be denied their rights as follows:

1. Those rights as citizen voters guaranteed by Section 1 of the Fourteenth Amendment to the United States Constitution under the doctrine of "one person-one vote";

2. Those rights as citizen voters established under the Court's order in *LaComb v. Growe, supra;* and

3. Those rights as citizen voters provided under the State legislature's own mandatory criteria for State legislative reapportionment as stated in House Concurrent Resolution 2.

COUNT II

OTHER DEFECTS

25. Paragraphs 1 through 16 and 18 through 24 of the Complaint are realleged and incorporated as if fully set forth herein.

26. Chapter 246 contains upon information and belief, geographic locations of State legislative districts that do not exist, and directions that cannot be followed including, but not limited to the following:

a. Places that do not exist such as Kimball Prairie and Lasco Township.

b. Directions that cannot be followed in determining geographic boundaries:

(1) At least six times where Chapter 246 states "easterly" when such direction stated is either erroneous or cannot logically be followed in determining the geographic boundary lines of State legislative districts;

(2) Four times where Chapter 246 states "westerly" when such direction stated is either erroneous or cannot logically be

followed in determining geographic boundary lines of State legislative districts; and

(3) Five times when Chapter 246 states "southwesterly" and "northeasterly" when such directions stated is either erroneous or cannot logically be followed in determining the geographic boundary lines of State legislative districts.

c. Streets that do not exist in the area being described such as Baker Lane, Homeword Hills Road, Noder Lane.

27. Chapter 246 contains many other flaws, errors, mistakes and defects in describing geographic boundaries for State legislative districts including but not limited to boundary line breakdowns, misnaming, and misspelling of boundary line locations, etc. These defects make it impossible for Defendant to perform her official duties as the Chief Election officer of the State of Minnesota to hold a state legislative election under the districts puportedly described therein, in turn depriving Plaintiffs and others similarly situated of their constitutional right to vote for state legislators in districts equally apportioned under the 1990 Census.

28. As a result, of these other defects in Chapter 246 as stated herein, no election can be held under Chapter 246, and therefore neither Chapter 246 nor any other existing legislation presents Defendant with a viable legislative districting plan based upon the 1990 Census. Therefore, unless Defendant is restrained from acting in furtherance of her official duties in accordance with Chapter 246, Plaintiffs and those similarly situated will be denied their rights as follows:

1. Those rights as citizen voters guaranteed by Section 1 of the Fourteenth Amendment to the United States Constitution under the doctrine of "one person-one vote";

2. Those rights as citizen voters established under this Court's order in *LaComb v. Growe, supra;* and

3. Those rights as citizen voters provided under the State legislature's own mandatory criteria for State legislative reapportionment as stated in House Concurrent Resolution 2.

COUNT III

NON-CONTIGUOUS AREAS AND SPLIT HOUSE DISTRICTS

29. Paragraphs 1 through 16, 18 through 24, and 26 and 27 of this Complaint are realleged and incorporated as is fully set forth herein.

30. Article IV, Section 3 of the Constitution of the State of Minnesota provides in relevant part:

> Senators shall be chosen by single districts of convenient, contiguous territory. No representative district shall be divided in the formation of a senate district.

Minn. Const. Art. IV, §3. This provision guarantees that election districts shall be comprised of contiguous and convenient areas.

31. When establishing its former geographic boundary plan of State legislative districts in 1981, this Court in *LaComb v. Growe,* 541 F. Supp. 160 (D. Minn. 1982) (Civ. 4-81-152), by order dated December 29, 1991, stated that districts shall be single member, compact, contiguous and no House district shall be divided in the formation of a Senate district.

32. On May 13, 1991, the Minnesota State Legislature, with bipartisan support, unanimously adopted Concurrent Resolution 2 which sets forth criteria that members of the legislature agreed to use in establishing a geographic boundary plan for State legislative districts. The resolution states that districts must be composed of convenient and

contiguous territory.

33. Chapter 246 contains numerous geographic boundary descriptions where Minnesota State Senate and House districts are comprised of non-contiguous areas and where house districts have been split in the formation of senate districts, including but not limited to the following:

a. The cities of New Prague, Eden Valley, Eden Prairie, Wayzata and Burnsville and the voters therein were assigned to two different Senate districts and two different House districts. Consequently, each of these representative districts is divided between two Senate districts in violation of Article III, Section 4 of the Constitution of the state of Minnesota.

b. Many legislative districts contain territory that is not contiguous. Senate District 30 completely surrounds portions of the towns of Cascade, Marion and Rochester, which are assigned to Senate District 31. Other districts containing non-contiguous territory include House Districts 14A, 34B, 30B, 45B, and 55B as well as Senate Districts 5, 17, 20, and 53.

34. Unless Defendant is restrained from acting in furtherance of her official duties in accordance with Chapter 246, these State legislative districts, which contain the non-contiguous and split House districts described in Chapter 246 will deny the Plaintiffs and others similarly situated their rights as follows:

1. Their rights as citizen voters as guaranteed by Section 3 of Article IV of the Constitution of the State of Minnesota;
2. Their rights as citizen voters established under this Court's order in *LaComb v. Growe, supra;* and
3. Their rights as citizen voters as provided under the State legislature's own mandatory criteria for State legislative reapportionment as stated in House Concurrent Resolution 2, which states that

a county, city/town should not be divided when it was not necessary to divide for equal population or convenient contiguous territory requirements.

WHEREFORE, Plaintiffs pray for the following relief:

a. That a special three judge panel be called to hear and determine this matter, pursuant to 28 U.S.C. Section 2284(a).

b. That the Court declare that the plan of legislative districts in Chapter 246 violates Plaintiffs' legally protected rights under the Constitution of the United States, the Constitution of the state of Minnesota, this Court's order in the case of *LaComb v. Growe, supra* and the Minnesota State Legislature's own mandated criteria for State legislative reapportionment plans as provided in Minnesota House Concurrent Resolution 2.

c. That the Court issue a permanent injunction and judgment decreeing that the Chapter 246 is not now a valid plan of State legislative apportionment.

d. That the Court issue a permanent injunction enjoining Defendant from taking any action related to carrying out her official duties in conducting primary or general elections for State legislative and congressional representatives based on the districts established in Chapter 246.

e. That the Court advise the federal and state courts currently involved in redistricting issues of the pendency of this action, and of its determination that this Court will determine the validity of Chapter 246.

f. That this Court consider this matter on an expedited basis as provided in 28 U.S.C. 2284(a).

g. That the Court order Defendants to pay Plaintiffs' reasonable attorneys' fees and expenses, expert fees and costs, and other expenses incurred in this action, pursuant to 42 U.S.C. Section 1988.

h. That the Court order such other relief as is just and equitable in the circumstances.

Dated: August 14, 1991

O'NEILL, BURKE, O'NEILL,
LEONARD AND O'BRIEN, LTD.

By: _____
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United States District Court
District of Minnesota
Fourth Division

IN RE: REAPPORTIONMENT LITIGATION

James Emison, et al.,
Plaintiffs,
v. **CIVIL #4-91-202**
Joan Anderson Growe, Secretary of State of State of Minnesota,
Defendants.

Duane Benson, et al.,
Plaintiffs,
v. **CIVIL #4-91-603**
Joan Anderson Growe, Secretary of State of State of Minnesota,
Defendants.

NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT OF PLAINTIFFS DUANE BENSON ET AL.

TO: Joan Anderson Growe, Defendant, and her attorney, John Tunheim, Chief Deputy Attorney General, 102 State Capitol, St. Paul, Minnesota 55155; and John French and Michael Cheever, Attorneys for 77th Minnesota State House and Senate, Faegre & Benson, 2200 Norwest Center, 90 South Seventh Street, Minneapolis, MN 55402; and Peter Wattson, Attorney for 77th Minnesota State Senate, G-17 State Capitol, St. Paul, Minnesota 55155; Bruce D. Willis, Attorney for James Emison, et al., Popham Haik, 3300 Piper Jaffray Tower, 222 South Ninth St., Minneapolis,

MN 55402; Michael A. Fahey, Carver County Attorney, P. O. Box 12 Chaska, Minnesota 55318; Michael O. Freeman, Hennepin County Attorney, 2000 Government Center, Minneapolis, Minnesota 55487; and Alan Weinblatt, Attorney for Patricia Cotlow et al., Pioneer Building Suite 1616, 336 Robert Street, St. Paul, Minnesota 55101

PLEASE TAKE NOTICE, that plaintiffs, Duane Benson, Terry Dempsey, Delores Hettig, Richard Harmon, David E. Peterson, E.M. Patricia Pidcock, and Frank Ringsmuth, will bring the following Motion for hearing before the United States District Court, on such date and at such place as the Court may direct on or after November 8, 1991.

PLAINTIFFS BENSON, ET AL., MOTION FOR SUMMARY JUDGMENT

Plaintiffs Duane Benson, Terry Dempsey, Delores Hettig, Richard Harmon, David E. Peterson, E.M. Patricia Pidcock and Frank Ringsmuth (hereinafter referred to as "Benson"), by the undersigned attorneys, move for summary judgment against the defendant and the intervening defendant in the *Benson v. Growe* (Civil 4-91-603) (hereinafter referred to as the *Benson* case), portion of the consolidated cases above on the grounds that as shown by the pleadings, together with the Affidavit of Terry Dempsey attached to this Motion, there is no genuine issue as to any material fact, and therefore plaintiffs Benson, et al. are entitled to judgment against defendants and the intervening defendants in the consolidated cases above as a matter of law for the following reasons:

1. The pleadings of the parties in the *Benson* case indicate there is no genuine material factual dispute as to the claim by the plaintiffs that Laws Minnesota 1991, Chapter 246 (hereinafter referred to as "Chapter 246") violates plaintiffs' legally protected rights under Section 1 of the 14th Amendment to the Constitution of the United

States, Article IV, Section 2 and 3 of the Constitution of the State of Minnesota, the Court's order in the case of *LaComb v. Growe,* 541 F. Supp. 160 (D. Minn. 1982) (Civ. 4-81-152)), and the Minnesota State Legislature's unanimously adopted House Concurrent Resolution No. 2 dated May 13, 1991, all of which comprise standards and principles of law regulating Minnesota State Legislature reapportionment plans. The pleadings herein and the Affidavit of Duane Benson further show that Chapter 246 is not a constitutionally valid plan of state legislative reapportionment and is entitled to no further force or effect as a matter of law.

2. Based upon the uncontested record of the pleadings in this matter, and the State of Minnesota Special Redistricting District Judges Panel's Pretrial Order No. 4, dated October 1, 1991, involving the same defendants as present in this federal court action (as well as the Cotlow group of), which found Chapter 246 violated not only Article IV, Sections 2 and 3 of the Minnesota Constitution but section 1 of the Fourteenth Amendment to the United States Constitution, Chapter 246 is not a constitutionally valid legislative reapportionment plan.

This Motion for Summary Judgment is based upon the pleadings, the Affidavit of Duane Benson attached hereto and made a part herof, upon all of the files, records and

proceedings herein, and upon Rule 56 of Federal Rules of Civil Procedure.

Dated this 10 day of October, 1991

O'NEILL, BURKE, O'NEILL,
LEONARD AND O'BRIEN, LTD.

By _____
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United States District Court
District of Minnesota
Fourth Division

IN RE: REAPPORTIONMENT LITIGATION

James Emison, et al.,
Plaintiffs,
v.
Joan Anderson Growe, Secretary of State of State of Minnesota, et al.,
Defendants.

MASTER DOCKET
CIVIL #4-91-202

Duane Benson, et al.,
Plaintiffs,
v.
Joan Growe, Secretary of State of State of Minnesota,
Defendant.

CIVIL #4-91-603

MEMORANDUM BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF PLAINTIFFS DUANE BENSON ET AL.

I.
INTRODUCTION

Plaintiffs Benson, Dempsey, et al., in Case No. 4-91-603 in the above-encaptioned Master Docket, have moved this Court for summary judgment on the issues raised and relief requested in their First Amended Complaint (hereinafter, "Benson Complaint") relating to determination of the constitutionality of Laws Minnesota 1991, Chapter 246 ("Chapter 246"). The facts as pled in the Benson Complaint, and the Answers as filed by defendant

Growe and as proposed by the putative defendant-intervenor Minnesota legislature[1] in Case No. 4-91-603, raise no genuine issue as to any material fact. Chapter 246, on its face, violates the rights guaranteed the plaintiffs under the Constitution of the United States, the Constitution of the State of Minnesota, this Court's Order dated December 29, 1981 in the case of *LaComb v. Growe,* 541 F. Supp. 160 (D. Minn. 1982) (Civ. 4-81-152), and the Minnesota State Legislature's own standard adopted May 13, 1991, as part of House Concurrent Resolution No. 2, and reiterated most recently in the Legislature's Memorandum Regarding Reapportionment Criteria, dated October 1, 1991 ("Legislative Criteria Memorandum"), at p. 16.

Rule 56 of the *Federal Rules of Civil Procedure* applies a simple, two-part test for awarding summary judgment:

1. There is no genuine material factual dispute.
2. Based upon an uncontested record, the law entitles a moving party to relief.

The United States Supreme Court in three cases in 1986, *Celotex Corp. v. Catrett,* 477 U.S. 317, 106 S. Ct. 2548 (1986); *Anderson v. Liberty Lobbying, Inc.,* 477 U.S. 242, 106 S. Ct. 1348 (1986); and *Matlsushita Electric Industrial Corp. v. Zenith Radio Corp.,* 475 U.S. 574, 106 S. Ct. 1348 (1986), indicated strongly that summary judgment is a useful tool ". . . by which fatually insufficient claims or defenses could be isolated and prevented from going to trial with the attendant unwarranted consumption of public and private resources." *Celotex Corp. v. Catrett, supra,* at 327. For the reasons that follow, plaintiffs Benson, Dempsey, et al., believe the issues raised in the Benson Complaint lend themselves to resolution under Rule 56.

[1] This putative intervening defendant in Case No. 4-91-603 which characterizes itself as authorized on behalf of the Minnesota Legislature will be referred to herein as "the Legislature", without prejudice to the Benson plaintiffs' position that this party does not speak for the entire Legislature, and without admitting that such party has been properly authorized to represent any portion of or the entirety of the membership of the Minnesota Legislature in this proceeding.

II.

UNCONTROVERTED FACTS

A review of the pleadings show that defendants and intervening putative defendants in this consolidated case have not raised any real factual dispute as to allegations made in the Benson Complaint concerning the provision of Chapter 246.

A close examination of the pleadings will reveal the following:

1. The Benson Complaint, paragraph 21, discussed four specific population deviations which are found in Chapter 246 relating to Senate District 30 with a deviation of 8.34% over the ideal senate district; House District 53B with a deviation of 13.75% under the ideal house district; Senate District 31 with a deviation of 8.96% under the ideal senate district; and House District 30A with a deviation of 13.6% over the ideal house district.

Defendant Growe, in paragraph 21 of her answer, does not deny these population deviations, but defendant Growe affirmatively alleges technical errors and asks the Court to consider legislative intent and some proposed legislative amendments which have yet to be properly enacted by the Legislature and therefore, are of no force and effect.

The putative intervening defendants in paragraph 21 of their answer do not deny that these population deviations exist as contained in the Complaint, but deny that they are in violation of the United States Constitution. That Answer creates an issue of law for this Court to decide.

2. In paragraph 22 of the Benson Complaint, it is alleged that there are five situations in which geographic boundaries cannot be determined under Chapter 246, namely the geographic boundaries between Senate Districts 6 and 7; the geographic boundaries between Senate Districts 42 and 43; the geographic boundaries between Senate Districts 50 and 51; the geographic boundaries between House Districts 7A and 7B; and the geographic boundaries between House Districts 52A and 52B.

Defendant Growe's Answer, in paragraph 22, does not deny the allegations of paragraph 22, but affirmatively alleges that there are some technical errors that should be enacted in some proposed legislative amendments which have yet to be properly enacted by the Legislature and therefore, are of no force and effect.

The putative intervening defendants in their Answer to paragraph 22, do not deny the allegations of paragraph 2 in the Benson Complaint, but affirmatively allege that they claim that the unidentifiable geographic boundaries in Chapter 246 do not violate the United States Constitution. That Answer creates an issue of law for this Court to decide.

3. Paragraph 26 of the Benson Complaint indicates that under Chapter 246 some geographic locations of state legislative districts do not exist as stated in paragraph 26(a), geographic directions cannot be followed in determining geographic boundaries as stated in paragraph 26(b), and streets that do not exist are listed as geographic boundaries as stated in paragraph 26(c).

Defendant Growe, in her Answer to paragraph 26 of the Benson Complaint, admits that there are misspelled geographic locations and directions that cannot be followed literally, but affirmatively alleges that this could be corrected in some proposed legislative amendments which have yet to be properly enacted by the Legislature and therefore, are of no force and effect.

The putative intervening defendants in their Answer to paragraph 26, do not deny the defects outlined in the Benson Complaint, paragraph 26, and admit that Chapter 246 contains misspelled geographic locations and directions that cannot be followed literally, but affirmatively allege that this Court should consider some unspecified legislative intent and history of Chapter 246.

4. Paragraph 33 of the Benson Complaint alleges that under Chapter 246, five cities are assigned into two legislative districts, and that there are numerous situations of non-contiguous districts.

Defendant Growe, in her Answer does not deny the

allegations of paragraph 33, admits that Chapter 246 contains geographic boundary descriptions where legislative districts are comprised of non-contiguous areas, and where house districts have been split in the formation of senate district, but allege that this could be corrected in some proposed legislative amendments which have yet to be properly enacted by the Legislature and therefore, are of no force and effect.

The putative intervening defendants in paragraph 33 of their Answer, do not deny the allegations of paragraph 33 of the Benson Complaint, and admit that Chapter 246 contains geographic boundary descriptions where state legislative districts are comprised of non-contiguous areas where house districts have been split in the formation of senate districts. They affirmatively allege that this Court should consider some unalleged legislative intent and history of Chapter 246.

Based upon the facts as alleged herein, and comparison of the Benson Complaint to the answer of Defendant Growe and the proposed answer of putative intervening defendant Legislature, it can be seen that defendants do not have any real dispute as to the factual allegations in the Benson Complaint. Thus, this Court's determination of the constitutional validity of Chapter 246 is simply a matter of law, and the implications of that determination a matter reserved to this Court's inherent equitable jurisdiction.

III.

FEDERAL AND MINNESOTA CONSTITUTIONALITY

This Court has before it the analysis of Chapter 246 in the Affidavit of Terry Dempsey supporting the Benson Plaintiffs' Motion for Summary Judgment (the "Dempsey Affidavit"); the findings of the constitutional defects of Chapter 246 by the Special Minnesota District Court Redistricting Panel's Order of October 1, 1991 (hereinafter, "State Court Order No. 4"); the express or tacit admissions

of the Benson plaintiffs' allegations of constitutional defects by defendant Growe and the putative intervening defendant Legislature both in this action (see pages 2 - 6 *infra*) and in the aforementioned state court proceeding (see State Court Order No. 4 at 2); and, most important, the language of Chapter 246 itself. Based upon this body of evidence, there seems little doubt that Chapter 246 violates both the United States and State of Minnesota Constitutions.

The Minnesota District Court Special Redistricting Panel heard full arguments on the constitutional challenges to Chapter 246 prior to issuing of its Order of October 1, 1991. The government parties in this federal court Master Docket (other than the Carver County Auditor), and the Cotlow group of intervening plaintiffs, are all parties to that state court action, and these parties had their interests adequately represented therein, with full opportunity to address the same issue of whether Chapter 246 is constitutional. With knowledge of those positions, the Minnesota Special Redistricting Court Panel, a court of competent jurisdiction over to determine Chapter 246's constitutional issues, has unequivocally stated its opinion that Chapter 246 violates §1 of Fourteenth Amendment to the United States Constitution and Art. IV, §§2 and 3 of the Minnesota Constitution. State Court Order No. 4, at p. 8.

Although the language of Chapter 246 must be examined in conjunction with maps and population data to reflect the full extent of constitutional defects, the Dempsey Affidavit illustrates some of the problems with Chapter 246. Listed on pages 1 through 3 of the Dempsey Affidavit, are examples of twenty-five (25) illegal population deviations that now exist under Chapter 246. In addition to these defects, page 3 provides some examples of non-contiguous districts existing under Chapter 246. Furthermore, Chapter 246 is flawed and defective because it assigns the same people to two different senate districts. (See Dempsey Affidavit at page 4).

These examples provide ample evidence for this Court also to determine that the language of Chapter 246 makes its invalid under both the United States Constitution and the Minnesota Constitution. The real questions for this Court become whether any consideration should be given this unconstitutional bill, and when this decision should be made.

IV.

ROLE OF THIS COURT IN DETERMINING USE OF CONSTITUTIONALLY INVALID CHAPTER 246

Since Chapter 246, is violative of both the Minnesota State Constitution and the United States Constitution for reasons recited above, it becomes incumbent upon this Court to determine, also as a matter of law, the effect of the constitutionally invalid Chapter 246.

This Court, in its Memorandum, Decision and Order of August 21, 1991 (hereinafter, "Court's August 21 Order"), determined that at *that* time, it was premature to hold hearings on the validity of the present legislative plan. Since that time, however, the Benson plaintiffs respectfully submit that developments have taken place in the state court and elsewhere that make it imperative for this Court to rule on the constitutionality of this plan and the weight, if any, which the Panel of Special Masters should accord to this unconstitutional plan in drawing up its "backup" plan.

Despite its determination of unconstitutionality, the state court, at page 9 of the State Court Order No. 4, stated that, as an additional criterion, " . . . any court-adopted legislative plan be based upon [the constitutionally invalid] Chapter 246." The Benson plaintiffs, who were not represented in that state court matter, specifically ask this Court to prevent erosion of their federally protected rights by ruling forthwith that the unconstitutionally invalid Chapter 246 is void and as such should be given no force or effect.

This Court's August 21 Order further concluded (at pages 9 - 10) that both the state and federal courts should defer to the legislature to draw a valid redistricting plan unless the legislature fails to act in a timely fashion. This Court further stated at page 11 of its Order that the Court could not wait until January 21, 1992, to establish the machinery to effect a court plan in case the legislature is not able to adopt a correct constitutionally valid plan under which legislative elections can actually be held. Instead, this Court announced at page 11 of its August 21 Order that it would appoint Masters to develop a plan, in the event it should become necessary for this Court to determine the constitutionally of Chapter 246, and the effect, if any, of such constitutionally invalid plan.

The Benson plaintiffs respectfully submit that, in order to achieve the purposes underlying the Court's August 21 Order, it is imperative that the Court now make this determination, and to spell out the consequences of its determination. For reasons to be analyzed more fully herein, plaintiffs submit that Chapter 246 is so fundamentally flawed that any attempts to draw conclusions regarding legislative intent from even the facially valid provisions of this law will be unavailing. More important, plaintiffs submit that any such attempt will unnecessarily and unfairly distract the Special Master Panel from its essential task of assisting this Court in fashioning a principled, constitutional plan for redistricting.

In *Scott v. Germano,* 381 U.S. 407 (1965), the redistricting plans for the Illinois House and Senate were challenged in the Illinois court almost two years before the election. Upon appeal, the Illinois Supreme Court found the apportionment of Illinois state senate to be invalid. The Illinois Supreme Court, as the highest state court in Illinois, retained jurisdiction so that it could take affirmative action as necessary for a valid plan to be in place for the 1966 election. The Illinois Supreme Court expressed confidence that the legislature would perform

its duty to enact a constitutionally valid plan. At the same time, the United States District Court for the Northern District of Illinois ruled that the apportionment and the constitutional and statutory provisions in Illinois supporting the present (at that time) apportionment of assembly members and senators, were invalid under the 14th Amendment of the Constitution of the United States and the principles enunciated in the case of *Reynolds v. Simms,* 377 U.S. 533 (1964). The defendants in the federal district court case in Illinois then moved the federal district court to vacate its Order and stay further proceedings in light of the Illinois Supreme Court decision. The United States District Court refused to do so. Upon appeal, the United States Supreme Court held that the federal district court should have stayed its hand, since the Illinois Supreme Court had retained jurisdiction of the matter, pending legislative approval.

As this Court pointed out in its August 21 Order, at pages 4 - 10, the *Scott v. Germano* situation differs from that in the present case. This matter has not been heard by the Minnesota Supreme Court, and it is proper for this Court, as it has in both 1972 *Beens v. Erdahl,* 336 F. Supp. 715 (D. Minn. 1972), rev'd on other grounds sub nom. *Sixty-Seventh Minnesota State Senate v. Beens,* 406 U.S. 187 (1972); and in 1982 (*LaComb v. Growe,* 541 F. Supp. 160 (D. Minn. 1982), to retain jurisdiction of Minnesota state legislature reapportionment and to determine the effect of the constitutionally invalid legislative reapportionment plan as found in Chapter 246. Although the determination of unconstitutionality may at this time be almost a foregone conclusion, the Benson Plaintiffs respectfully submit that it is this Court which should determine the effect of that unconstitutionality on the Special Master Panel's (and, indirectly, the Legislature's) deliberations.

V.

THIS COURT NEED NOT, AND SHOULD NOT, UTILIZE CHAPTER 246 IN DEVELOPING ITS REDISTRICTING PLAN

Despite its virtual concession that Chapter 246 is unconstitutional, and the State Redistricting Panel's similar conclusion of unconstitutionality under both federal and state law, the Legislature has proposed to this Court the following criterion:

> 1. Any court-adopted plan for redrawing state legislative districts will be based on the current law, 1991 Minnesota Laws, chapter 246, and will deviate from that law only to the extent necessary to correct constitutional or statutory defects in the law.

Defendant Growe proposes a similar first criterion at page 3 of her proposed criteria:

> 1. The legislative districts shall be based on Minn. Laws 1991, ch. 246, and the court shall make only those changes necessary to correct defects in the law. Minn. Const., art. IV, §3; *White v. Weiser,* 412 U.S. 783, 795, 93 S. Ct. 2348, 2355 (1973).

For reasons to be discussed in this section, plaintiffs Benson, et al., respectfully suggest that adoption of this criterion would thrust this Court into a legislative role neither required by applicable judicial precedent, nor warranted by the broad constitutional defects found in Chapter 246.

State Court Order No. 4, at page 8, correctly notes that established case law compels courts to "adhere as closely as possible to the intent of the legislature...." However, in concluding (based upon *White v. Weiser, supra*) that the legislative intent is "embodied in the redistricting legislation," State Court Order No. 4 fails to take into account the differences between cases like *White* where minor, technical modifications in enacted legislation

could correct constitutional or other defects, and the situation at bar, where "correction" of Chapter 246 would necessarily involve a major rethinking of the entire legislative scheme.

In *White v. Weiser, supra,* the Supreme Court reviewed the actions of a lower court in Texas which had been confronted with three different redistricting plans. One of these plans was the plan which had been enacted by the Texas legislature. Under that plan, the state was divided into twenty-four districts, with an average deviation from the ideal district of 0.745% and a maximum deviation of 2.43% above and 1.7% below the ideal. *White v. Weiser, supra,* at 785. Although these percentage deviations were small, the court held that they were not unavoidable, and the districts were not as mathematically equal as reasonably possible.

The Supreme Court confirmed the lower Court's decision to reject the legislative plan. However, where the plan actually chosen by the lower court had only a marginally smaller maximum deviation (0.149% vs. 0.284%) than a third plan which essentially followed the district lines drawn up in legislative plan, and the plan chosen by the lower court substantially disregarded the configuration of the legislative plan's districts, the Supreme Court chose to implement the plan which adhered more closely to the districting preferences of the state legislature.

From these facts, it is clear that the court in *White v. Weiser* had little difficulty in ascertaining the legislative intent as they considered the redistricting plans in front of them. The legislative redistricting plan called for twenty-four districts. Of these twenty-four districts, the largest population deviation above the ideal was 2.43%. The greatest percentage deviation below the ideal was 1.7%. The average deviation of all districts from the ideal district of 466,530 was 0.745%, or 3,421 persons. Thus, only minor, technical modifications were needed to make the legislature redistricting plan constitutionally sound.

In contrast, when one considers Chapter 246, it is impossible for anyone to discern what the legislative

intent was in that redistricting plan. Comparing the maximum population deviation of 2.43% from the ideal that existed in *White* to the quite larger population deviations existing in Chapter 246, it is clear that Chapter 246 cannot serve as a foundation for any future reapportionment plans. The following is merely a partial list of the flaws contained in Chapter 246. (For a complete list, see the Dempsey Affidavit itself):

- Senate District 30 consists of the City of Rochester, whose population according to the 1990 Census is 70,745. That makes it *8.34% above* the ideal.
- Senate District 31 contains 59,452 people. This is *8.96% below* the ideal.
- House District 30A contains 37,091 people. This is *13.605% above* the ideal.
- House District 31A contains 26,830 people. This is *17.83% below* the ideal.
- House District 34A contains 20,364 people. This is *37.635% below* the ideal.
- House District 34B contains 44,669 people. This is *36.81% above* the ideal.
- House District 43A appears to contain 17,925 people. This is *45.10% below* the ideal.

The problems of Chapter 246 do not end with these extreme and unacceptable population deviations. Chapter 246 has major errors in at least eight noncontiguous districts (See Dempsey Affidavit at page 3). Chapter 246 also contains at least four instances where the same people have been assigned to two different Senate Districts (See Dempsey Affidavit at page 4). Because of all of these flaws, it is simply impossible to discern what the legislature intended in this redistricting plan.

Furthermore, the language in *White v. Weiser, supra,* suggests that federal courts should not always follow state policy. For example, federal courts should not follow

state policy whenever adherence to state policy detracts from the requirements of the federal constitution. *White v. Weiser, supra,* at 795. Similarly, "[d]istrict [c]ourts should defer to state policy in fashioning relief only where that policy is consistent with constitutional norms and is not in itself vulnerable to legal challenge". *Id.* at 797. Even the concurring opinion, authored by Justice Marshall, shared the thoughts and analysis of the majority in *White v. Weiser:* "In my opinion, the judicial remedial process in the reapportionment area -- as in any area -- should be a fastidiously neutral and objective one, free of all political considerations and guided only by the controlling constitutional principle of strict accuracy and representative apportionment." *Id.* at 799 (Marshall, J., concurring).

The Legislature's Criteria Memorandum, also cited *Upham v. Seamon,* 456 U.S. 37 (1982), in support for the Legislature's position that any court plan should be based on Chapter 246. The facts of *Upham v. Seamon,* however, just as the facts of *White v. Weiser,* are distinguishable from the present case. Unlike Chapter 246, the legislative plan presented to the court in *Seamon* contained only a few flaws, thus allowing the court to perceive and preserve the legislative intent by making only a few changes in the plan. In *Upham v. Seamon,* the Texas legislature's reapportionment plan contained twenty-seven congressional districts, of which only two were found to be invalid by the Attorney General during a pre-clearance examination for *Voting Rights Act* compliance. The federal district court corrected these two unacceptable districts, but instead of retaining the rest of the plan as drawn up by the legislature, the court devised its own districts for one county. Upon these facts, the Supreme Court held that the district court's decision to devise its own districts for that one county area was erroneous. The Supreme Court determined that, absent any constitutional or statutory violations with the districts in the one county, the district court should have deferred to the Texas legislature's judgment reflected in their plan for the

districts in that county.

Thus, the facts of *Upham v. Seamon* show that only a few minor changes had to be made to carry out the intent of the legislature. That is simply not true in the present case, because of the numerous flaws and defects in Chapter 246. One type of flaw, major population disparities, requires by its very nature corrections not only in the affected districts, but in at least one and perhaps more districts including districts without any apparent problems of their own. This is because of the fact that if districts with opposite population deviations cannot be identified in districts contiguous to the flawed districts, more distant districts from each flawed district would have to be identified. This iterative process, however, demonstrates the impossibility of determining any cognizable legislative intent from what remains of Chapter 246. Simply stated, any plan resulting from such extensive redrafting would itself involve assumptions that might well have no relationship to what the legislature would have agreed upon had it been forced itself to deal with the population deviation and other defects recited in the Benson Complaint.

The Legislature's Criteria Memorandum, at pages 9 - 10, claims that the bulk of the legislature's plan can be preserved on the basis of being "severable" from the unconstitutionally drawn, or otherwise defective, districts. However, the only support offered for this proposition is the self-styled "legislative history" and background contained in an August 25, 1991, memorandum of Senate Counsel Peter S. Wattson to Senator Lawrence J. Pogemiller (hereinafter, "Wattson Memorandum"). Analysis of the Wattson Memorandum demonstrates that even if viewed as an Affidavit, the Wattson Memorandum fails to meet appropriate standards for consideration by this Court for at least four separate reasons, two evidentiary, two substantive.

First, the Wattson Memorandum, taken as a whole, falls well short of standards normally required by courts

for consideration of materials as valid legislative history. One of these standards relates to timing. Prepared after the Benson Complaint was filed, the Wattson Memorandum clearly lacks the characteristic of preparation in the ordinary course of business (as opposed to preparation in anticipation of litigation) that might give some limited weight to materials more frequently offered as evidence of legislative history such as the regularly recorded (albeit often self-serving) statements on legislative committee hearing tapes.

Secondly, since State Court Order No. 4 rejected Committee-passed bills as expressive of intent of the Legislature as a whole, it stands to reason *a fortiorari* that Mr. Wattson's recent recollection of what Senator Pogemiller (one of 201 elected state legislative members) might have said or thought last May is even less reflective of what the Legislature as a whole might do or wish to do to enact a constitutionally valid redistricting bill.

Page 6 of the Wattson Memorandum illustrates the third and fourth, more substantive type of defects in the analysis contained in the Wattson Memorandum. To begin with, it suggests that Senator Pogemiller may at least at one time have personally intended to propose correcting the significant upward deviation in Senate District 30's population by cutting the City of Rochester "on the south, as far up as you needed to in order to bring the population of the remainder within the two percent standard." Wattson Memorandum at page 10. However, doing this might itself have resulted in excess population deviation in the district immediately south of Senate District 30, creating additional questions of legislative intent as to what to do with this new problem. Although the principle of construing bills where possible to preserve their constitutionality may be hornbook law, application of that principle to this situation cannot be accomplished even with reference to Senator Pogemiller's own expressed views, much less with reference to any view which can fairly be said to reflect the intent of the legislature as a whole.

The fourth problem with the Wattson Memorandum is even more troubling. It presupposes that a two percent deviation is acceptable, not as an unfortunate side effect of respecting political subdivision boundaries, or other neutral criteria, but as a conscious plan. (See Wattson Memorandum at page 2, 6). The Benson plaintiffs respectfully suggest that ascribing such intent to Chapter 246 ought by itself to invalidate any deference to this legislation, or proposed amendments thereto, which reflect disregard of the rights of Rochester and other Minnesota citizens to equal legislative representation. It also is inconsistent with the Legislature's own proposed criterion No. 5 (page 3 of Legislature's Criteria Memorandum), unless the Legislature is seriously proposing that this Court and its Special Master Panel should subordinate the principles of *Reynolds v. Simms, supra,* to the purported Wattson-Pogemiller proxy for legislative intent as to these citizens' rights to equal representation.

VI.

THIS COURT SHOULD PROMPTLY AWARD THE BENSON PLAINTIFFS THE RELIEF REQUESTED IN THEIR COMPLAINT

For the foregoing reasons, the Benson Plaintiffs are entitled to the relief that they requested in paragraphs c through e of the prayer for relief: judgment of this Court decreeing the invalidity of Chapter 246 both in and of itself, and as the basis for any consideration by the Court and its special master panel as reflective of legislative intent. The question before the Court is whether the "circumstances" justifying this Court's deferral of action referred to this Court on page 10 of its August 21, 1991, Order have changed sufficiently that paragraph f of plaintiffs' requested relief seeking an expedited order to this effect, should also be granted.

On this question, plaintiffs respectfully submit that State Court Order No. 4 makes several specific findings in

addition to its adjudication of unconstitutionality which at the very least undercuts the factual basis underlying this Court's earlier determination to await possible, further legislative action before considering Chapter 246's usefulness in the redistricting process. In particular, at page 6 of State Court Order No. 4, the state panel relies upon specific factual conclusions in confirming its determination to proceed on a timetable resulting in a final adjudication of this matter during 1991. At page 6, the Court in State Court Order No. 4 finds that doing so is necessary to recognize the interests of preserving "proper and timely voting procedures to ensure the state's constitutional government."

A second changed circumstances arises from the Dempsey Affidavit's recitation of the unlikelihood of any legislative action based upon the general plan of Chapter 246 prior to January 25, 1992. This allegation sharply contradicts the legislature's obviously self-serving earlier contention, that the legislature will take action by January 20, 1991. Which in the absence of contrary evidence this Court accepted in its August 26 order, at page 10, as presumably made "in good faith."

The contrary facts which the Dempsey Affidavit now makes available to this Court combine with the state court's findings of urgency in favor of this Court's granting paragraph f of the Benson plaintiffs' claim for relief: that this Court consider the constitutional issues raised by plaintiffs in this matter and reach its determination of this matter, in conjunction with its panel of Special Masters, on an expedited basis to achieve a constitutionally acceptable plan. In taking this action, the Court can rely upon those same types of principles and criteria which guided it in its earlier determinations assuring constitutionally valid reapportionment plans following the 1970 and 1980 censuses. These criteria will respect political subdivisions and communities of interest, state constitutional mandates regarding contiguity and indivisibility of senate districts, and federal guidelines

requiring equal proportionate voting rights for all citizens of Minnesota. Combined with its unique powers to assure the rights of all Minnesotans under the federal *Voting Rights Act,* plaintiffs respectfully submit that granting summary relief in the form requested in the Benson Complaint as supplemented by this Memorandum, on as reasonably expedited a basis as possible, will afford all Minnesotans the constitutional protections to the right of franchise guaranteed them under federal and state constitutions and applicable federal law.

VII.

CONCLUSION

The legislative districts proposed in Chapter 246 are not only unconstitutionally, but so fundamentally inconsistent with established constitutional guidelines that no legislative intent can be rationally ascertained as to how the legislature would modify Chapter 246. Since Chapter 246's constitutionality is no longer seriously at issue, and because that legislation lacks any predictive value or other usefulness in ascertaining legislative intent, this Court should act promptly to develop a plan which embodies established principles of constitutional fairness.

Dated: 10/10/91

O'NEILL, BURKE, O'NEILL,
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United States District Court
District of Minnesota
Fourth Division

IN RE: REAPPORTIONMENT LITIGATION

James Emison, et al.,
Plaintiffs,
v.
Joan Anderson Growe, Secretary of State of State of Minnesota, et al.,
Defendants.

MASTER DOCKET
CIVIL #4-91-202

Duane Benson, et al.,
Plaintiffs,
v.
Joan Growe, Secretary of State of State of Minnesota,
Defendant.

CIVIL #4-91-603

AFFIDAVIT OF REPRESENTATIVE TERRY DEMPSEY.

1. I am the minority leader for the Independent-Republican House caucus.

2. I am a member of the Minnesota House of Representatives Redistricting Committee.

3. I supervise caucus staff that has worked on redistricting issues.

4. Chapter 246 was presented to the House Redistricting committee very late in the 1991 session. In fact, the bill that became Chapter 246 was introduced after the committee deadline for bill hearings, and consequently had to receive special Rules Committee approval in order to reach the floor of the House.

5. During the period in which the bill was being drafted and passed, the redistricting computer system had numberous programming problems.

6. Before any redistricting plan was considered, the legislature passed a concurrent resolution stating that districts should not deviate from the ideal population by more than two percent, plus or minus.

7. The ideal state Senate District is 65,300.

8. The ideal House District is 32,650.

9. Senate District 30 consists of the city of Rochester, whose population according to the 1990 census is 70,745. That makes it 8.34% above the ideal. It is unclear how the legislative would correct this defect, since there is no legislative intent evident and a correction could be accomplished by giving some or all of this excess population to any of the Senate Districts that are near to Rochester, including Senate Districts 28, 29 or 31, and making additional adjustments that such a change to any redistricting plan requires.

10. Senate District 31, within which my co-Plaintiff Senator Duane Benson resides, contains 59,452 people. This is a 8.96% below the ideal. Again there is no legislative intent related to this problem and it is unclear how the legislative would correct this, since the alternatives include adding population from Senate Districts 27, 28, 29, 30 or 32, or a combination of those, and making additional adjustments to those districts.

11. House District 3A appears to contain 31,939 people. This is 2.18% below ideal.

12. House District 3B appears to contain 33,331 people. This is 2.09% above the ideal.

13. House District 9B contains 33,731 people. This is 3.31% above the ideal.

14. House District 16B appears to contain 33,389 people. This is 2.26% above the ideal.

15. House District 19B contains 31,994 people. This is 2.01% below the ideal.

16. House District 30A contains 37,091 people. This is 13.60% above the ideal.

17. House District 30B contains 33,654 people. This is 3.08% above the ideal.

18. House District 31A contains 26,830 people. This is 17.83% below the ideal.

19. House District 34A contains 20,369 people. This is 37.63% below the ideal.

20. House District 34B contains 44,669 people. This is 36.81% above the ideal.

21. House District 43A appears to contain 17,925 people. This is 45.10% below the ideal.

22. House District 43B appears to contain 46,836 people. This is 43.45% above the ideal.

23. House District 45A contains 29,349 people. This is 10.11% below the ideal.

24. House District 45B contains 36,129 people. This is 10.66% above the ideal.

25. House District 47A appears to contain 37,160 people. This is 13.81% above the ideal.

26. House District 47B appears to contain 28,400 people. This is 13.02% below the ideal.

27. House District 51A appears to contain 33,350 people. This is 2.14% above the ideal.

28. House District 53A appears to contain 36,484 people. This is 11.74% above the ideal.

29. House District 53B appears to contain 28,160 people. This is 13.75% below the ideal.

30. House District 55A appears to contain 33,329 people. This is 2.08% above the ideal.

31. House District 59B appears to contain 34,959 people. This is 7.07% above the ideal.

32. House District 61A appears to contain 30,684 people. This is 6.02% below the ideal.

33. House District 62B appears to contain 33,348 people. This is 2.14% above the ideal.

34. The range of these deviations is 88.55%, or 22.11 times the overall range the legislature impose upon itself.

35. The redistricting software purchased by the legislature and used by the four caucuses contains a built-

in alarm feature that automatically warns the user if the areas added to the district being worked on were non-contiguous or if there was a chance that this was the case. Despite this, many districts contain noncontiguous geography.

36. Senate District 5 contains Angora Township, which is surrounded by area that are no ascribed to Senate District 5 but are within St. Louis County. Since Senate District 6 assigns the remainder of St. Louis County to Senate District 6 by exception, meaning that if anything in the county is not assigned to another Senate District it is in Senate District 6, the area surrounding Angora Township is in Senate District 6.

37. Senate District 17 includes by exception the city Braham in Kanabec County. Braham is surrounded by Senate District 18 but not named in the description of that district. Previously Senate District 17 is said to include all of Kanabec County not included in Senate District 18, Which means Braham.

38. Senate District 20 is also defined by exception. As such, it includes the portion of the cities of Hanover and Dayton that are in Wright County but not specifically assigned to Senate Districts 19, 33, or 34.

39. Senate District 26 is assigned by exception the portion of the city of North Mankato that is not included in Senate District 24. This portion of North Mankato is non-contiguous to the rest of the area within Senate District 26.

40. Senate District 31 was assigned that portion of Olmstead County not included in Senate District 28 or 30. This includes pieces of Cascade, Rochester, and Marion Townships that are completely surrounded by Senate District 30 but not assigned to Senate District 30. Those parts of those townships are thus noncontiguous to Senate District 31.

41. Senate District 34 is assigned by exception any leftovers in Hennepin County. Since the portion of Chanhassen that is in Hennepin County was not assigned

to Senate District 42 or 43 it becomes a noncontiguous portion of Senate District 34.

42. House District 43B is defined to be the portion of Senate District 43 not included in House District 43A. Senate District 43 contains the city of Wayzata, which is not included in House District 43A. Wayzata thus becomes a noncontiguous portion of House District 43B.

43. House District 53A is defined to be the portion of Senate District 53 not included in House District 53B. Senate District 53 contains the cities of Little Canada and Maplewood, which are not included in House District 53B. They thus become a non- contiguous portion of House District 53A.

44. Chapter 246 also contains at least four instances where the same people have been assigned to two different Senate Districts.

45. Senate District 20 contains the city of Eden Valley. By exception, Senate District 14 includes the area in Stearns County not included in Senate Districts 10, 13, or 16. Since Eden Valley is in Sterns County, that description also places it into Senate District 14.

46. Senate District 25 includes the city of New Prague. A portion of New Prague is in Scott County. Senate District 35 includes the portion of Scott County not assigned to Senate Districts 37 or 41. Thus the portion of New Prague is Scott County is also assigned to Senate District 35.

47. Senate District 41 includes the portion of Burnsville not contained in Senate District's 36 or 38. However Senate District 37 is also defined by exception, giving it what is left of Dakota County after subtracting Senate District's 25, 29, 36, 38 and 39. Thus the portion of Burnsville not in Senate District 36 or Senate District 38 is in both Senate District's 41 and 37.

48. Senate District 43 includes the city of Wayzata. Senate District 45 also specifically includes the city of Wayzata.

49. I have been informed that as part of their Answer

the intervening defendants have stated that legislation amending the defination in Chapter 246 will be considered by the Minnesota Legislature in January, 1992.

50. I have been informed that they expect these amendments to pass.

51. I can state as leader of the Independent-Republican House caucus what my views are.

52. In my opinion, the Legislative Branch and the Executive Branch are at an impasse with respect to amending Chapter 246 to achieve an equitable re-districting bill. Even if the proposed amendments to Chapter 246 which have been passed by the House Redistricting Committee would, if passed by the Legislature, result in a constitutionally valid law, it is my opinion that the Governor would veto such a bill because it would retain the same overall unfairness for Minnesota's citzens which caused him to attempt to veto Chapter 246. In such a situation, the 55 members of the House Independent-Republican caucus would provide more than enough votes to sustain any veto override attempt, which would require ninety (90) affirmative votes out of the 134 member of the Minnesota House.

FURTHER AFFIANT SAYETH NAUGHT.

Representative Terry Dempsey

Subscribed and sworn to before me this 10th day of October, 1991.

Notary Public

United States District Court
District of Minnesota
Fourth Division

IN RE: REAPPORTIONMENT LITIGATION

James Emison, et al.,

Plaintiffs,

v.

Joan Anderson Growe, Secretary of State of State of Minnesota, et al.,

Defendants.

MASTER DOCKET
CIVIL #4-91-202

Duane Benson, et al.,

Plaintiffs,

v.

Joan Growe, Secretary of State of State of Minnesota,

Defendant.

CIVIL #4-91-603

AFFIDAVIT OF GOVERNOR ARNE H. CARLSON

1. I am the Governor of the State of Minnesota.

2. It is my understanding that this Court in its Order dated August 21, 1991, has noted the intention of the Defendants Minnesota Legislature and Minnesota Secretary of State to amend Laws Minnesota, 1991, Chapter 246 in devising a legislative reapportionment plan that will be presented to the legislative in January, 1992.

3. During the 1991 session of the Minnesota legislature, the legislature passed Senate File 1571, a bill redrawing the state legislative districts. I attempted to veto that bill because, in my opinion, it contained fundamental problems, including what I viewed as obvious uncon-

stitutional provisions as well as numerous other technical and substantive flaws which affected the overall fairness, or lack thereof, of the plan to all Minnesota citizens.

4. Even though the Ramsey County District Court ruled that my attempt to veto Senate File 1571 was ineffective, and this legislation was enrolled as Chapter 246 of the 1991 Minnesota Session Laws, my fundamental and serious concerns about the bill remain. Therefore, I will not provide my needed signature as Governor and will in fact veto any bill which I receive for consideration from the Minnesota legislature from the 1992 session pursuant to Section 23 of Article 4 of the Minnesota Constitution, unless such bill: (a) changes the basic provisions of Chapter 246 in a way which corrects the fundamental problems I believed that the structure of the bill had when I first attempted to veto Senate File 1571; and (b) provides the essential element of fairness needed for all Minnesotans in any state legislative re-apportionment plan.

FURTHER AFFIANT SAYETH NAUGHT.

Governor Arne H. Carlson

Subscribed and sworn to before me this 10th day of October, 1991.

Notary Public

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
MX 91-001562

Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein and Theodore Suss, individually and on behalf of all Citizens of Minnesota similarly situated, *Plaintiffs,* and John Walker, Howard Miller, Don Sudor and Nkajlo Vangh, *Plaintiff-Interveners,* vs. Joan Growe, Secretary of State of Minnesota; and Dale G. Folstad, Hennepin County Auditor, individually and on behalf of all Minnesota county chief election officers, *Defendants,* and The Seventy-seventh Minnesota State House of Representatives and the Seventy-seventh Minnesota State Senate, *Defendant-Interveners.*	)	MEMORANDUM OF PLAINTIFF-INTERVENERS REGARDING EXCLUSIVE FEDERAL JURISDICTION OVER VOTING RIGHTS ACT CLAIMS

INTRODUCTION

This memorandum is submitted by plaintiff-interveners in response to the Panel's original request for briefing on exclusive federal court jurisdiction under the Voting Rights Act. In light of the Panel's recent order declaring Chapter 246 to be in violation of both the United States and Minnesota Constitutions, the question of whether the Voting Rights Act is implicated by Chapter 246 is now moot. Nevertheless, plaintiff-interveners maintin that jurisdiction over any Voting Rights Act claims lies

exclusively with the federal courts, both because of express Voting Rights Act provisions and because the federal interests to be protected by the Voting Rights Act are clearly incompatible with state court jurisdiction.

ARGUMENT

I. *Application of the Voting Rights Act to Chapter 246 Is Moot by Reason of this Panel's Finding That Chapter 246 Is Unconstitutional.*

At the time of the last hearing, the Panel requested discussion of the application of the Voting Rights Act to Chapter 246. In Pretrial Order No. 4, however, the Panel has found that Minnesota Laws 1991, Ch. 246, the legislative redistricting plan, is in violation of both the Minnesota and United States Constitutions. *See* Pretrial Order No. 4, P. no. 1. Since Chapter 246 has been declared to be unconstitutional, it cannot be used as a plan of redistricting for the state of Minnesota, and the question of application of the Voting Rights Act to Chapter 246 is now academic. However, there still remains the larger question of whether a state court has jurisdiction to determine if a redistricting plan violates Section 2 of the Voting Rights Act, and plaintiff-interveners submit that it does not.

II. *The Panel Lacks Jurisdiction to Consider Voting Rights Act Issues.*

The other parties to this case have contended in the ongoing federal action considering Minnesota redistricting that this Panel, as well as the federal panel, is empowered to resolve any Voting Rights Act claims that may be presented. In the federal action, these parties cited *Gulf Offshore Co. v. Mobil Oil Corp.*, 453 U.S. 473, 477-78 (1981), for the proposition that there is concurrent state and federal jurisdiction over alleged violations of the Voting Rights Act. Such a contention is superficial and ignores both the express and implicit limitations on state court jurisdiction to adjudicate Voting Rights Act claims.

The *Gulf Offshore Co.* decision specifically notes that the exercise of concurrent state court jurisdiction over cases arising under federal law is directly limited by congressional restrictions on the use of that power, whether explicit or implicit. *See Gulf Offshore Co.*, 453 U.S. 473, 478. The United States Supreme Court instructed that state court jurisdiction over federal law cases is rebutted by "an explicit statutory directive, by unmistakable implication from legislative history, or by a clear incompatibility between state-court jurisdiction and federal interests." *Id.* All three considerations compel a conclusion that federal jurisdiction over Voting Rights Act issues is exclusive.

A. *The Voting Rights Act Expressly Provides for Exclusive Federal Jurisdiction Concerning Violation of Section 2.*

The language of the Voting Rights Act confirms that any claimed violations of the Act are within the exclusive jurisdiction of the federal courts. The Act expressly states:

> The *district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section* [providing for civil remedies for violations of Voting Rights Act sections, including section 2] and shall exercise the same without regard to whether a person asserting rights under the provisions subchapters I-A to I-C of this chapter shall have exhausted any administrative or other remedies that may be provided by law.

42 U.S.C. § 1973j(f) (emphasis added); *see also Donnell v. United States*, 682 F.2d 240 (D.C.D.C.), *cert. denied* 451 U.S. 1002 (1982) (private citizens encouraged to act as private attorneys general to enforce Voting Rights Act).

State court decisions as well have recognized that claims arising under Section 2 of the Voting Rights Act are within the exclusive jurisdiction of federal courts. *See, e.g., City of Birmingham v. Graffeo*, 551 So. 2d 357, 366 (Ala. 1989); *Mitchell v. City of Prichard*, 538 So. 2d 1, (Ala.

1988); *Ortiz v. Thompson,* 604 S.W.2d 443, 445-446 (Tex. 1980).

B *Congress Intended That Federal Courts Would Determine Violations of the Voting Rights Act.*

Exclusive federal jurisdiction over Voting Rights Act claims is also fully in accord with legislative intent. The legislative history of the Voting Rights Act outlines in extensive detail prior failed efforts to effectuate the purposes of the fifteenth amendment. *See* H. Rep. No. 439, *reprinted in* 1965 U.S. Code Cong. & Admin. News 2437, 2439-2444, 2449-2450, 2547-2550. That discussion clearly states the conflict between federal interests in the right to vote and state actions taken in denigration of both that right and the protections afforded in furtherance of it. *Id.*

Congressional intent to remedy state actions is also reflected in United States Supreme Court decisions. *See, e.g., Allen v. State Board of Elections,* 393 U.S. 544, 548, 562-63 (1969); *South Carolina v. Katzenbach,* 383 U.S. 301, 308-314 (1966). In both of these cases, the Supreme Court made express note of Congress' desire to "rid the country of racial discrimination in voting." *Allen,* 393 U.S. at 548; *Katzenbach,* 383 U.S. at 308-09. The Court in *Katzenbach* discussed the prior inability of Congress and the courts to remedy these problems, and it identified the cause of that difficulty as being the burden of enforcement in widely disparate state jurisdictions. *Katzenbach,* 383 U.S. at 314.

In analyzing congressional intent, the United States Supreme Court in *Allen* made note of the unique difficulties arising from Voting Rights Act issues. In particular, the Court noted the impact of the Voting Rights Act and its requirements on federal-state relations. *See Allen,* 393 U.S. at 562. In that case, the Court based its finding of exclusive federal court jurisdiction over § 5 matters on the need to minimize such disputes between federal and state jurisdictions. *Id.* at 562-63.

The foregoing cases and the considerations they address

underscore congressional intent that there by exclusive federal court general adjudicatory power over Voting Rights Act issues.

C. *Concurrent State Court Jurisdiction of Voting Rights Act Claims Is Incompatible with Federal Court Jurisdiction.*

The Voting Rights Act was established to remedy historic discriminatory voting practices by states. The fundamental federal interest in the right to vote is incompatible with concurrent state court jurisdiction over Voting Rights Act violations by the state. Such issues are appropriately left to federal courts, which can act apart from state and local interests and actions and which can insure uniform application of federal law standards and interpretations.

The Act's provisions make it clear that the Voting Rights Act is to be enforced by federal courts. First, as noted above, § 12(f) expressly grants to United States district courts jurisdiction over proceedings instituted to enforce sections of the Act, including § 2. *See* 42 U.S.C. § 1973j(f). In addition, § 1973 provides additional or alternative means by which to enforce voting rights, including the use of three-judge federal district court panels with direct appeal to the Supreme Court (§§ 1973b(a) & 1973(c); appointment of federal examiners (§ 1973a); and enforcement through the office of the Attorney General (§§ 1973h(b), 1973j(d) - (e)).

The most recent legislative history of the Act provides additional support for the proposition of exclusive federal jurisdiction. By way of example, the Report of the Committee on the Judiciary for the 1982 amendments to the Voting Rights Act is replete with discussion of the role of the federal judiciary in adjudicating violations of § 2 of the Act. *See* S. Rep. No. 97-417, *reprinted in* 1982 U.S. Code Cong. Admin. News 177, 208-10, 219, 276, 307 (all discussing the federal court's role and responsibilities in adjudication of Voting Rights Act claims under § 2). That report specifically states at one point that "the new

Voting Rights Act will also enhance enormously the role of the Federal judiciary in State and municipal governmental process." *Id.* at 276.

Congress clearly intended that federal courts would be uded to remedy discrimination that typically occurs as the result of state action. Voting is a fundamental right of great federal interest, and the Voting Rights Act was enacted as a federal tool to protect that right. The incompatibility of that federal interest with state court adjudication, along with the Voting Rights Act's language and legislative intent, meets the standards for exclusive federal jurisidiction set out in *Gulf Offshore Co. See Gulf Offshore Co.,* 453 U.S. at 478. Federal jurisdiction over Voting Rights Act issues is therefore exclusive.

III. *The Hathorn Decision Does Not Support State Court Adjudication of §2 Violations.*

Plaintiffs, defendants, and defendant-interveners seek to avoid the specific authority described above by citing *Hathorn v. Lovorn,* 457 U.S. 255 (1982). *Hathorn* clearly does not support a claim that state courts have original jurisdiction over Voting Rights Act issues. The Supreme Court in *Hathorn* explicitly limited state court consideration of § 5 issues to instances where the Voting Rights Act question arises as a collateral and not a primary issue. *Id.* at 266. As noted by the Court:

> [E]ven a finding of exclusive federal jurisdiction over claims arising under a federal statute usually will not prevent a state court from deciding a federal question collaterally.

Id. (quotation omitted). The Court nevertheless suggested that federal court jurisdiction over § 5 was in fact exclusive. *See Id.* at 267-68 and n.20.

The issue in *Hathorn* was solely whether a state court could determine the impact of § 5 perclearance requirements on state procedures. *Id.* at 257. The state court in that case was not attempting to adjudicate a claim under the Voting Rights Act, a fact of which the

Supreme Court made specific note. Instead, the state court was considering an issue only collaterally related to the Voting Rights Act. As the Court stated:

> Granting state courts the power to decide, *as a collateral matter,* whether § 5 applies to contemplated changes in election procedures will help insure compliance with the preclearance scheme. Approval of this *limited jurisdiction* also avoids placing state courts in the uncomfortable position of ordering voting changes that they suspect, but cannot determine, should be precleared under § 5.

Id. at 268-69 (emphasis added; footnote omitted).

Hathorn does not give state courts original jurisdiction over Voting Rights Act issues. Such jurisdiction is likewise not provided for in the Act itself, nor is it in accordance with congressional intent or the desire to further key federal interests that may be interfered with by local action.

CONCLUSION

In light of both the express language and the congressional intent of the Voting Rights Act, jurisdiction over claims arising under the Act must be exclusively federal.

Dated: October 7, 1991

POPHAM, HAIK, SCHNOBRICH & KAUFMAN, LTD.

By: /s/

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STATE OF MINNESOTA SPECIAL REDISTRICTING PANEL C8-91-985

Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein and Theodore Suss, individually and on behalf of all Citizens of Minnesota similarly situated, *Plaintiffs,* and John Walker, Howard Miller, Don Sudor and Nkajlo Vangh, *Plaintiff-Intervenors,* vs. Joan Growe, Secretary of State of Minnesota; and Patrick H. O' Connor,Hennepin County Auditor, individually and on behalf of all Minnesota county chief election officers, *Defendants,* and The Seventy-seventh Minnesota State House of Representatives and the Seventy-seventh Minnesota State Senate, *Defendant-Intervenors.*	MEMORANDUM OF LAW OF PLAINTIFF-INTERVENORS IN SUPPORT OF MOTION TO DISMISS OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT REGARDING CONGRESSIONAL PLANS

INTRODUCTION

This panel of all the parties are fully aware of the issuance of an Order and Plans of Redistricting from the three judge panel in the United States District Court matter *Emison, et al. v. Growe, et al.*, Civ. 4-91-202 (D. Minn., Feb. 19, 1992) (hereinafter the "Federal Panel"). The parties to the federal action include all parties to this

state action against whom that judgment is to be enforced. The Federal Panel has, after thorough review and hearing issued its plans for the redistricting of congressional districts in the State of Minnesota. The Federal Panel's congressional plan constitutes a valid and enforceable judgment by a court of competent jurisdiction, and the Plaintiffs, Defendants, and Defendant-Intervenors to this action are thereby now precluded from seeking, and this Panel is precluded from issuing, a different plan for congressional redistricting.

Plaintiff-Intervenors pray that this Panel either (1) dismiss all claims and further action with respect to congressional redistricting, and/or (2) enter an order of summary judgment determining that the Federal Panel's congressional plan constitutes a valid and final order of congressional redistricting by a competent court, to the effect that the State Panel is now precluded from further proceedings or alternative judgments regarding congressional redistricting.

DISCUSSION

1. *THE FEDERAL PANEL'S ISSUANCE OF A CONGRESSIONAL REDISTRICTING PLAN CONSTITUTES ISSUE PRECLUSION AS TO CONGRESSIONAL REDISTRICTING BY THIS PANEL.*

Minnesota courts have long held that issue preclusion, or *collateral estoppel,* operates to prevent relitigation of matters where (1) the issue before a court is identical to one in a prior adjudication; (2) there was a final judgment on the merits; (3) that the party to be estopped was a party in the prior case; and (4) the party to be estopped was given full and fair opportunity to be heard on the issue. *See Matter of Welfare of M.D.O.,* 462 N.W.2d 370 (Minn. 1990); *American Hoist & Derrick Co. v. Employers' of Wausau,* 454 N.W.2d 462, *reh'q denied* (Minn. App. 1990). through Myers v. Price, 463 N.W.2d 773, *reh'q. denied* App. 1990); *H.J. Inc. v. Northwestern Bell Telephone Co.,*

734 F. Supp. 879 (D. Minn. 1990). The facts underlying the Panel's prior adjudication of and issuance of a plan of congresional redistricting meets all four requirements of preclusion. Thus, this Panel is barred under the doctrine of *collateral estoppel* from further adjudication or relitigation of any claims relating to plans of congressional redistricting.

The process by which the Federal Panel's congressional plan was considered and issued is determinative for collateral estoppel purposes. First, the Plaintiffs, Defendants, and Defendant-Intervenors were all parties before the Federal Panel when it issued its Order and Plans. Indeed, the legislature, plaintiffs Patricia Cotlow, et al., and the Hennepin County Attorney all *voluntarily* chose to intervene and fully participate in the hearings before the Federal Panel.

Second, the Federal Panel addressed the exact issue of congressional redistricting that the non-moving parties are asking this Panel now to consider. In doing so, the Federal Panel had before it pleadings that sought, *inter-alia,* the same relief sought by plaintiffs in this action.

Third, in adjudicating that matter, the Federal Panel issued its Order after submission of plans and memoranda from all affected parties before this State Panel. Moreover, the Federal Panel had before it precisely the *same* proposed congressional plans that have been recently submitted to this Panel.

Finally, the Federal Panel's plan of congressional redistricting was issued as a final judgment on February 19, 1992. *See* Order and Plans of Redistricting, Civ. 4-91-202 (D. Minn., February 19, 1992). That judgment is a valid judgment by a court of competent jurisdiction, and is to be accorded full faith and credit by this Panel. *See Embry v. Palmer,* 107 U.S. 3, 9-10 (1982); *See also* 18 C. Wright, A. Miller & E. Cooper, *Federal Practice & Procedure* § 4468.

II. *THE PANEL HAS THE AUTHORITY TO GRANT THE MOTION OF PLAINTIFF-INTERVENORS.*

The Rules of Civil Procedure specifically provide for the relief requested. Under Rule 41.01(b), Minn. R. Civ. P., this Panel may dismiss at Plaintiff-Intervenors' request "upon terms and conditions as the court deems proper." Upon Rule 41.02 Minn. R. Civ. P., the Panel has authority upon its own initiative, or upon motion of any party, to dismiss all or part of an action.

Alternatively, under Rule 56, Minn. R. Civ. P., a party may move for summary judgment as to all or any part of a claim, including those for declaratory judgment, if, upon the record, "there is no genuine issue as to any material fact and that either party is entitled to a judgment as a matter of law." *Id.*

CONCLUSION

The Federal Panel's judgment is entitled to respect as a valid judgment regarding congressional districts, and this Panel must refrain from acting in disregard of and/or contrary to that judgment.

Plaintiff-Intervenors respectfully request that judgment be granted accordingly.

Dated: March 2, 1992

POPHAM, HAIK, SCHNOBRICH & KAUFMAN, LTD.

By: _____
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ATTORNEYS FOR
PLAINTIFF-INTERVENORS

PRINTED
PAGE NO.

713

S.F. NO. 1596

SENATE
STATE OF MINNESOTA
SEVENTY-SEVENTH LEGISLATURE

Introduced by Pogemiller.
Read First Time Jan. 6, 1992, and Referred to the
Committee on Redistricting.
Committe Recommendation. To Pass as Amended.
Committee Report Adopted Jan. 7, 1992.
Read Second Time Jan. 7, 1992.

A bill for an act

relating to technical and other corrections to the legislative redistricting plan; amending Laws 1991, chapter 246.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1991, chapter 246, is amended to read:

Section 1. Minnesota Statutes 1990, section 2.031 subdivision 2, is amended to read:

Subd. 2. [DEFINITION.] The terms "county," "town," "township," "city," "ward," "precinct," "census tract," "block," and "unorganized territory" when used in a description of a legislative district in ~~Laws 1991, chapter~~

~~246,~~ *sections 2 to 68* mean a geographical area established as such by law and as it existed for purposes of the 1990 federal census.

Sec. 2. 2.043 [FIRST DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 1 consists of all of Kittson, Lake of the Woods, Marshall, Pennington, Red Lake, and Roseau Counties, and that portion of Polk County consisting of Angus Township, Belgium Township, Brandt Township, Brislet Township, the city of East Grand Forks, Esther Township, Euclid Township, Farley Township, Grand Forks Township, Helgeland Township, Higdem Township, Huntsville Township, Keystone Township, Northland Township, Rhinehart Township, Sandsville Township, Sullivan Township, and Tabor Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 1 is divided into two house districts as follows:

(a) House district 1A consists of that portion of senate district 1 not included in house district 1B.

(b) House district 1B consists of all of Pennington and Red Lake Counties, that portion of Polk County contained in senate district 1, and that portion of Marshall County consisting of the city of Alvarado, Boxville Township, Comstock Township, McCrea Township, Oak Park Township, the city of Oslo, Vega Township, the city of Viking, Viking Township, the city of Warren, and Warrenton Township.

Sec. 3. 2.053 [SECOND DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 2 consists of all of Clearwater, Mahnomen, and Norman Counties, that portion of Becker County not included in senate district 9 or 11, that portion of Beltrami County consisting of Alaska Township, Battle Township, Benville Township, the city of Blackduck, Buzzle Township, Cormant Township, Durand Township, the city of Funkley, Hagali Township, Hamre Township, Hines Township, Hornet Township, the city of Kelliher, Kelliher Township, Langor Township, Lee Township, Liberty Township, the unorganized territory of Lower Red Lake,

Maple Ridge Township, Minnie Township, Nebish Township, the unorganized territory of North Beltrami, O'Brien Township, Quiring Township, Roosevelt Township, Shooks Township, Shotley Township, the unorganized territory of Shotley Brook, Spruce Grove Township, Steenerson Township, Summit Township, the unorganized territory of Upper Red Lake, Waskish Township, and Woodrow Township, that portion of Clay County consisting of the city of Felton, Felton Township, Flowing Township, the city of Georgetown, Georgetown Township, Goose Prairie Township, Hagen Township, Keene Township, Kragnes Township, Morken Township, the city of Ulen, Ulen Township, and Viding Township, and that portion of Polk County not included in senate district 1.

Subd. 2. [HOUSE DISTRICTS.] Senate district 2 is divided into two house districts as follows:

(a) House district 2A consists of all of Norman County that portion of Becker County consisting of Atlanta Township, Cuba Township, Hamden Township, Riceville Township, Spring Creek Township, and Walworth Township, that portion of Clay County in senate district 2, that portion of Mahnomen County consisting of the city of Bejou, Bejou Township, Chief Township, Gregory Township, the city of Mahnomen, Marsh Creek Township, Pembina Township, Popple Grove Township, Rosedale Township, and the city of Waubun, and that portion of Polk County consisting of Andover Township, Badger Township, the city of Beltrami, Bygland Township, the city of Climax, the city of Crookston, Crookston Township, the city of Erskine, Fairfax Township, Fanny Township, the city of Fertile, the city of Fisher, Fisher Township, Garden Township, Garfield Township, Gentilly Township, Godfrey Township, Grove Park Township, Hammond Township, Hubbard Township, Kertsonville Township, King Township, Knute Township, Liberty Township, Lowell Township, the city of McIntosh, the city of Mentor, Nesbit Township, the city of Nielsville, Onstad Township, Parnell Township, Reis Township, Roome Township,

Russia Township, Scandia Township, Sletten Township, Tilden Township, Tynsid Township, Vineland Township, the city of Winger, Winger Township, and Woodside Township.

(b) House district 2B consists of that portion of senate district 2 not included in house district 2A.

Sec. 4. 2.063 [THIRD DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 3 consists of all of Itasca County except the unorganized territory of Bowstring Lake, that portion of Aitkin County consisting of the city of Aitkin, Aitkin Township, Ball Bluff Township, Balsam Township, Cornish Township, Fleming Township, the city of Hill City, Hill Lake Township, Jevne Township, Libby Township, Logan Township, Macville Township, Morrison Township, the organized territory of Northeast Aitkin, the unorganized territory of Northwest Aitkin, the city of Palisade, Spencer Township, Turner Township, Verdon Township, Waukenabo Township, and Workman Township, that portion of Koochiching County not included in senate district 6, and that portion of St. Louis County consisting of Alango Township, Fine Lakes Township, the city of Floodwood, Floodwood Township, French Township, Halden Township, Linden Grove Township, the unorganized territory of McCormack Lake *(59-21)*, Morcom Township, Prairie Lake Township, *that portion of the* unorganized *territory of Northwest St. Louis consisting of* precinct ~~numbers~~ 62-21 ~~and 59-21,~~ *that portion of the unorganized territory of Sand Lake consisting of the precinct of* West Sand Lake ~~Precinct~~ *(60-20)*, and Sturgeon Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 3 is divided into two house districts as follows:

(a) House district 3A consists of that portion of senate district 3 not included in house district 3B.

(b) House district 3B consists of that portion of Aitkin County included in senate district 3, that portion of Itaska County consisting of Blackberry Township, the city of Bovey, the city of Coleraine, Feeley Township, Goodland

Township, Grand Rapids Township, Greenway Township, Harris Township, Iron Range Township, the city of Keewatin, the unorganized territory of Little Sand Lake, Lone Pine Township, Nashwauk Township, Sago Township, Splithand Township, Trout Lake Township, the city of Warba, Wawina Township, and Wildwood Township, and that portion of St. Louis County consisting of Fine Lakes Township, the city of Floodwood, Floodwood Township, Halden Township, and Prairie Lake Township.

Sec. 5. 2.073 [FOURTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 4 consists of all of Hubbard County, that portion of Beltrami County not included in senate district 2, that portion of Cass County not included in senate district 12, that portion of Itaska County ~~not included in senate district~~ 3 *consisting of the unorganized territory of Bowstring Lake,* and that portion of Wadena County not included in senate district 11.

Subd. 2. [HOUSE DISTRICTS.] Senate district 3 is divided into two house districts as follows:

(a) House District 3A consists of that portion of senate district 3 not included in house district 3B

(b) House district 3B consists of that portion of Aitkin County included in senate district 3, that portion of Itasca County consisting of Blackberry Township, the city of Bovey, the city of Coleraine, Feeley Township, Goodland Township, Grand Rapids Township, Greenway Township, Harris Township, Iron Range Township, the city of Keewatin, the unorganized territory of Little Sand Lake, Lone Pine Township, Nashwauk Township, Sago Township, Splithand Township, Trout Lake Township, the city of Warba, Wawina Township, and Wildwood Township, and that portion of St. Louis County consisting of Fine Lakes Township, the city of Floodwood, Floodwood Township, Halden Township, and Prairie Lake Township.

Sec. 5. 2.073 [FOURTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 4 consists of all of Hubbard County, that portion of Beltrami County not included in senate district 2, that portion of

Cass County not included in senate district 12, that portion of Itaska County ~~not included in senate district~~ 3 *consisting of the unorganized territory of Bowstring Lake,* and that portion of Wadena County not included in senate district 11.

Subd. 2. [HOUSE DISTRICTS.] Senate district 4 is divided into two house districts as follows:

(a) House district 4A consists of that portion of Beltrami County in senate district 4, and that portion of Hubbard County consisting of the city of Akeley, Akeley Township, Arago Township, Clay Township, Clover Township, Farden Township, Fern Township, Guthrie Township, Hart Lake Township, Helga Township, Hendrickson Township, Lake Alice Township, Lake Emma Township, Lake George Township, Lake Hattie Township, Lakeport Township, the city of Laporte, Mantrap Township, Rockwood Township, Schoolcraft Township, Steamboat River Township, Thorpe Township, and White Oak Township.

(b) House district 4B consists of that portion of senate district 4 not included in house district 4A.

Sec. 6. 2.083 [FIFTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 5 consists of that portion of St. Louis County consisting of Alborn Township, Angora Township, Arrowhead Township, Balkan Township, the city of Biwabik, Biwabik Township, the city of Brookston, the city of Buhl, Cedar Valley Township, Cherry Township, the city of Chisholm, Clinton Township, Colvin Township, Cotton Township, Culver Township, Ellsburg Township, Elmer Township, Embarrass Township, the city of Eveleth, Fayal Township, the city of Franklin, the city of Gilbert, Great Scott Township, the unorganized territory of Hay Lake, the unorganized territory of Heikkila Lake, the city of Hibbing, the city of Iron Junction, the unorganized territory of Janette Lake, Kelsey Township, Kugler Township, *that portion of the unorganized territory of Lake Vermilion consisting of Vermilion Lake Precinct (62-17),* Lavell Township, the city of Leonidas, McDavitt Township, the

city of McKinley, the city of Meadowlands, Meadowlands Township, the city of Mountain Iron, Ness Township, New Independence Township, Northland Township, Payne Township, Pike Township, the unorganized territory of Potshot Lake, *that portion of the unorganized territory of Sand Lake consisting of the precincts of East Sand Lake (59-18), 60-18 and 60-19,* Sandy Township, Stoney Brook Township, Toivola Township, Van Buren Township, Vermilion Lake Township, the city of Virginia, White Township, and Wuori Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 5 is divided into two house districts as follows:

(a) House district 5A consists of that portion of senate district 5 not included in house district 5B.

(b) House district 5B consists of that portion of St. Louis County consisting of Alborn Township, Arrowhead Township, Balkan Township, the city of Brookston, the city of Buhl, Cedar Valley Township, Cherry Township, the city of Chisholm, Clinton Township, Cotton Township, Culver Township, Ellsburg Township, Elmer Township, Great Scott Township, the city of Hibbing, the city of Iron Junction, the unorganized territory of Janette Lake, Kelsey Township, Lavell Township, McDavitt Township, the city of Meadowlands, Meadowlands Township, Ness Township, New Independence Township, Northland Township, Payne Township, the unorganized territory of Potshot Lake, Stoney Brook Township, Toivola Township, and Van Buren Township.

Sec. 7. 2.093 [SIXTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 6 consists of all Cook and Lake Counties, that portion of Koochiching County consisting of the unorganized territory of Nett Lake, and that portion of St. Louis County not included in senate district 3, 5, 7, or 8.

Subd. 2. [HOUSE DISTRICTS.] Senate district 6 is divided into two house districts as follows:

(a) House district 6A consists of that portion of senate district 6 not included in house district 6B.

(b) House district 6B consists of that portion of St. Louis

County consisting of Alden Township, ~~North Star Township, Normanna Township, Gnesen Township, Rice Lake Township, Lakewood Township, Duluth Township, Canosia Township, and Fredenburg~~ *Canosia Township, Duluth Township, Fredenburg Township, Gnesen Township, Lakewood Township, Normanna Township, North Star Township, and Rice Lake* Township, and that portion of the city of Duluth not included in senate district 7.

Sec. 8. 2.103 [SEVENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 7 consists of that portion of St. Louis County consisting of that portion of the city of Duluth lying west and south of a line descibed as follows: commencing at the intersection of the northern boundary of the city of Duluth and Calvary Road, easterly along Calvary Road to Woodland Avenue, southerly along Woodland Avenue to ~~Buffalo~~ *St. Marie* Street, easterly along ~~Buffalo~~ *St. Marie* Street to Wallace Avenue, southerly along Wallace Avenue to 5th Street, ~~westerly~~ *southwesterly* along 5th Street to ~~21~~ st *Woodland Avenue, southerly along Woodland Avenue to 20th* Avenue *East*, ~~southerly~~ *southeasterly* along ~~21st~~ *20th* Avenue *East* to ~~4th~~ *3rd* Street, ~~westerly~~ *southwesterly* along ~~4th~~ *3rd* Street to 15th Avenue *East*, southeasterly along 15th Avenue *East* Avenue *East* to 1st Street, ~~westerly~~ *south-westerly* along 1st Street to 12th Avenue East, south-easterly along 12th Avenue East to London Road, north-easterly along London Road to 13th Avenue East, ~~southerly~~ *southeasterly* ~~along 13th Avenue East and its extension to Lake Superior~~.

Subd. 2. [HOUSE DISTRICTS.] Senate district 7 is divided into two house districts as follows:

(a) House district 7B consists of that portion of ~~senate district 7~~ *the city of Duluth* lying east of a line described as follows: commencing at the intersection of the northern boundary of the city of Duluth and Rice Lake Road, southerly and southeasterly along Rice Lake Road *and Arrowhead Road* to Mesaba Avenue, southerly along Mesaba Avenue southerly along Mesaba Avenue to 13th

Street, ~~easterly~~ *northeasterly* along 13th Street to 6th Avenue East, ~~southerly~~ *southeasterly* along 6th Avenue East *to 10th Street, southwesterly along 10th Street to* State Highway 194 southwesterly along State Highway 194 to Mesaba Avenue, southerly along Mesaba Avenue to Lake Avenue, ~~northerly~~ *northwesterly* along Lake Avenue to 9th Street, southwesterly along 9th Street to 1st Avenue West, northwesterly along 1st Avenue West ~~and its extension to the extension of Rudolph Avenue, westerly along Rudolph Avenue and its extension to Blackman Avenue, southerly along Blackman Avenue and Orange Avenue~~ *to Clark House Creek, northwesterly along Clark House Creek to 13th Street, southwesterly along 13th Street to 5th Avenue West, southerly along 5th Avenue West* to 9th Street, southwesterly along 9th Street to *the intersection of 11th Avenue West and* Observation Road, northerly and westerly along Observation Road to Arlington Avenue, southerly along Arlington Avenue to U.S. Highway 53, southerly along U.S. Highway 53 southerly along U.S. Highway 53 to 14th Street, southwesterly along 14th Street to Miller Creek, southerly along Miller Creek to ~~6th~~ *an extension of 7th*Street, northeasterly along ~~6th~~ *the extension and 7th* Street to 22nd Avenue West, southeasterly along 22nd Avenue West to ~~Superior~~ *Michigan* Street, northeasterly along ~~Superior~~ *Michigan* Street to 21st Avenue West, southeasterly along 21st avenue West and its extension to St. Louis Bay.

(b) House district 7A consists of that portion of senate district 7 not included in house district 7B.

Sec. 9. 2.113 [EIGHTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 8 consists of all of Carlton County, that portion of St. Louis County consisting of Brevator Township, the city of Hermantown, Industrial Township, Midway Township, the city of Proctor, and Solway Township, that portion of Aitkin County not included in senate district 3, and that portion of Pine County not included in senate district 18.

Subd. 2. [HOUSE DISTRICTS.] Senate district 8 is

divided into two house districts as follows:

(a) House district 8A consists of that portion of St. Louis County included in senate district 8, and that portion of Carlton County consisting of the city of Carlton, the city of Cloquet, the city of Scanlon, the city of Thomson, Thomson Township, and Twin Lakes Township.

(b) House district 8B consists of that portion of senate district 8 not included in house district 8A.

Sec. 10. 2.123 [NINTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 9 consists of all of Wilkin County, that portion of Becker County consisting of the city of Audubon, Audubon Township, Cormorant Township, Lake Eunice Township, the city of Lake Park, and Lake Park Township, that portion of Clay County not included in senate district 2, and that portion of Otter Tail County consisting of Carlisle Township, Dunn Township, the city of Elizabeth, Elizabeth Township, the city of Erhard, Erhards Grove Township, Lida Township, Maplewood Township, Norwegian Grove Township, Orwell Township, Oscar Township, Pelican Township, the city of Pelican Rapids, the city of Rothsay, Scambler Township, Trondhjem Township, and Western Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 9 is divided into two house districts as follows:

(a) House district 9A consists of that portion of Clay County consisting of the city of Moorhead, *Moorhead Township, and those portions of Oakport Township, surrounded by the city of Moorhead.*

(b) House district 9B consists of that portion of senate district 9 not included in house district 9A.

Sec. 11. 2.133 [TENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 10 consists of that portion of Douglas County not included in senate district 11 or 13, that portion of Otter Tail County not included in senate district 9 or 11, that portion of Pope County consisting of the city of Glenwood, Glenwood Township, Grove Lake Township, Leven Township, the city of Long Beach, Minnewaska Township, Reno

Township, the city of Villard, the city of Westport, and Westport Township, and that portion of Stearns County consisting of Ashley Township, Getty Township, Raymond Township, the city of Sauk Centre, and Sauk Centre Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 10 is divided into two house districts as follows:

(a) House district 10A consists of that portion of Douglas County consisting of the city of Evansville, Evansville Township, Leaf Valley Township, Lund Township, the city of Millerville, Millerville Township, the city of Miltona, Miltona Township, and that portion of Otter Tail County included in senate district 10.

(b) House district 10B consists of that portion of senate district 10 not included in house district 10A

Sec. 12. 2.143 [ELEVENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 11 consists of all of Todd County, that portion of Becker County consisting of Burlington Township, Detroit Township, the city of Detroit Lakes, Erie Township, the city of Frazee, and Lake View Township, that portion of Douglas County consisting of Belle River Township, the city of Osakis, Osakis Township, and Spruce Hill Township, that portion of Otter Tail County consisting of Blowers Township, the city of Bluffton, Bluffton Township, Bulter Township, Candor Township, Compton Township, Corliss Township, the city of Deer Creek, Deer Creek Township, the city of Dent, Dora Township, Eastern Township, Edna Township, Gorman Township, Hobart Township, Homestead Township, Newton Township, the city of New York Mills, Oak Valley Township, Otto Township, Paddock Township, the city of Perham, Perham Township, Pine Lake Township, the city of Vergas, the city of Wadena, and Woodside Township, that portion of Stearns Count consisting of *the portion of* Melrose Township, *not surrounded by the city of Melrose*, Millwood Township, and the city of St. Rosa, and that portion of Wadena County consisting of the city of Aldrich, Aldrich Township, Bullard Township, Leaf River Township, Red Eye

Township, Rockwood Township, the city of Sebeka, the city of Staples, Thomastown Township, the city of Verndale, the city of Wadena, Wadena Township, and Wing River Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 11 is divided into two house districts as follows:

(a) House district 11A consists of that portion of Becker County included in senate district 11, that portion of Otter Tail County included in senate district 11, excluding Eastern Township, Oak Valley Township, and Woodside Township, and that portion of Wadena County consisting of Leaf River Township, Red Eye Township, Rockwood Township, the city of Sebeka, and the city of Wadena.

(b) House district 11B consists of that portion of senate district 11 not included in house district 11A.

Sec. 13. 2.153 [TWELFTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 12 consits of all of Crow Wing County, that portion of Cass County consisting of the cities of Motley and Pillager, and that portion of Morrison County not included in senate district 14 or 17.

Subd. 2. [HOUSE DISTRICT.] Senate district 12 is divided into two house districts as follows:

(a) House district 12A consists of that portion of Crow Wing County consisting of the city of Brainerd, the city of Breezy Point, Center Township, the city of Crosby, the city of Crosslake, the city of Cuyuna, Dean Lake Township, the city of Emily, Fairfield Township, the city of Fifty Lakes, Gail Lake Township, Ideal Township, Irondale Township, the city of Ironton, the city of Jenkins, Jenkins Township, Lake Edwards Township, Little Pine Township, the city of Manhattan Beach, Mission Township, the city of Nisswa, Oak Lawn Township, Pelican Township, the city of Pequot Lakes, Perry Lake Township, Rabbit Lake Township, Ross Lake Township, Sibley Township, Timothy Township, the city of Trommald, the unorganzied territory of West Crow Wing, and Wolford Township.

(b) House district 12B consists of that portion of senate district 12 not included in house district 12A

Sec. 14. 2.163 [THIRTEENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 13 consists of all of Big Stone, Grant, Lac qui Parle, Stevens, Swift, and Traverse Counties, that portion of Douglas County consisting of Holmes City Township, the city of Kensington, Solem Township, and Urness Township, and that portion of of Pope County not included in senate district 10 or 14,

Subd. 2. [HOUSE DISTRICTS.] Senate district 13 is divided into two house districts as follows:

(a) House district 13A consists of all of Grant, Stevens, and Traverse Counties, that portion of Big Stone County consisting of the city of Barry, Browns Valley Township, the city of Graceville, Graceville Township, Malta Township, Moonshine Township, and Toqua Township, that portion of Douglas County contained in senate district 13, that portin of Pope County contained in sentate district 13, and that portion of Swift County consisting of the city of Appleton, Appleton Township, the cityof Danvers, Edison Township, Fairfield Township, Hegbert Township, the city of Holloway, Marysland Township, Moyer Township, Shible Township, Tara Township, and West Bank Township.

(b) House district 13B consists of that portion of senate district 13 not included in house district 13A.

Sec. 15. 2.173 [FOURTEENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 14 consists of that portion of Benton County consisting of the cities of Rice and Sartell, that portion of Morrison County consisting of Bellevue Township, the city of Bowlus, the city of Elmdale, Elmdale Township, the city of Royalton, Swan River Township, Two Rivers Township, and the city of Upsala, that portion of Pope County consisting of Bangor Township, the city of Brooten, Lake Johanna Township, and the city of Sedan, and that portion of Stearns County not included in senate district 10, 11 ~~or~~ 16, *or 20*.

Subd. 2. [HOUSE DISTRICTS.] Senate district 14 is divided into two house districts as follows:

(a) House district 14A consists of that portion of senate district 14 not included in house district 14B.

(b) House district 14B consists of that portion of Pope County contained in senate district 14, and that portion of Stearns County consisting of the city of Belgrade, the city of Brooten, the city of Cold Spring, Collegeville Township, Crow Lake Township, Crow River Township, Eden Lake Township, the city of Elrosa, Fair Haven Township, Farming Township, the city of Freeport, the city of Greenwald, Grove Township, the city of Kimball Prairie, Lake George Township, the city of Lake Henry, Lake Henry Township, Luxenburg Township, Lynden Township, Maine Prairie Township, the city of Meire Grove, the city of Melrose, *the portion of Melrose Township surrounded by the city of Melrose,* Munson Township, the city of Munich, North Fork Township, Oak Township, the city of Paynesville, Paynesville Township, the city of the city of Rockville, Rockville Township, the city of Roscoe, Richmond, the city of St. Martin, St. Martin Township, the city of Spring Hill, Spring Hill Township, Wakefield Township, and Zion Township.

Sec. 16. 2.183 [FIFTEENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 15 consists of all of Kandiyohi and Renville Counties, that portion of Chippewa County consisting of the city of Granite Falls, and Granite Falls Township, that portion of McLead County consisting of Collins Township, Lynn Township, and the city of Stewart, that portion of Meeker County consisting of Acton Township, the city of Cedar Mills, Cedar Mills Township, the city of Cosmos, Cosmos Township, Danielson Township, Greenleaf Township, and the city of Grove City, and that portion of Yellow Medicine County consisting of the city of Granite Falls.

Subd. 2. [HOUSE DISTRICTS.] Senate district 15 is divided into two house districts as follows:

(a) House district 15A consists of that portion of Kandiyohi County consisting of Arctander Township, Burbank Township, Colfax Township, Dovre Township, Green Lake Township, Harrison Township, Irving

Township, the city of Kandiyohi, Kandiyohi Township, Lake Andrew Township, Mamre Township, the city of New London, New London Township, Norway Lake Township, the city of Pennock, the city of Regal, Roseville Township, St. Johnson Township, the city of Spicer, the city of Sunburg, the city of Willmar, and Willmar Township.

(b) House district 15B consists of that portion of senate district 15 not included in house district 15A.

Sec. 17. 2.193 [SIXTEENTH DISTRICT.]

Subdivsion 1. [SENATE DISTRICT.] Senate district 16 consists of that portion of Stearns County consisting of St. Augusta Township, the city of St. Cloud, St. Cloud Township, and the city of Waite Park, and that portion of Benton County consisting of the city of Sauk Rapids, except ~~that portion~~ *those portions* of the city of Sauk Rapids surrounded by Sauk Rapids Township, the portions of Sauk Rapids Township surrounded by the city of Sauk Rapids, and the city of St. Cloud, except that portion of the city of St. Cloud lying east of a line described as follows: commencing at the intersection of the eastern boundary of the city of St. Cloud and State Highway 23, southwesterly along State Highway 23 to 14th Avenue Southeast, southerly along 14th Avenue Southeast to ~~2nd Street Southeast~~ *County Road 47,* easterly along ~~2nd Street Southeast~~ *County Road 47,* to the eastern boundary of the city of St. Cloud.

Subd. 2. [HOUSE DISTRICTS.] Senate district 16 is divided into two house districts as follows:

(a) House district 16A consists of that portion of Benton County in senate district 16, and that portion of Stearns County consisting of that portion of the city of St. Cloud lying east and north of a line dscribed as follows: commencing at the intersection of the northern boundary of the city of St. Cloud and the extension of 25th Avenue North, southerly along the extension of 25th Avenue North to the Sauk River, southerly and westerly along the Sauk River to *an extension of* 33rd Avenue North, southerly along *the extension of 33rd Avenue North and*

33rd Avenue North to ~~5th Street North, easterly along~~ 5th ~~Street North to 30th Avenue North, southerly along~~ 30th ~~Avenue North and 30th Avenue South to 1st Street South, easterly along 1st Street South to 25th Avenue South, northerly along 25th Avenue South and 25th Avenue North to~~ 2nd Street North, easterly along 2nd Street North to Cooper Avenue North, southerly along Cooper Avenue North to West St. Germain Street, northeasterly along West St. Germain Street to 8th Avenue South, southeasterly along 8th Avenue South to 1st Street South, southwesterly along 1st Street South to 8th Avenue South, southeasterly along 8th Avenue South to 2nd Street South, southwesterly along 2nd Street South to 10th Avenue South, southeasterly along 10th Avenue South to ~~an extension of~~ 2nd Street South, southwesterly along *an extension of* 2nd Street South to East Lake Boulevard ~~South,~~ southerly along East Lake Boulevard ~~South~~ to 5th Street South, easterly along 5th Street South to 4th Avenue South, southerly along 4th Avenue South to 10th Street South, easterly along 10th Street south to the Mississppi River.

(b) House district 16B consists of that portion of senate district 16 not included in house district 16A.

Sec. 18. 2.203 [SEVENTEENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 17 consists of Mille Lacs County, that portion of Benton County not included in senate district 14 or 16, that portion of Kanabec County not included in senate district 18, that portion of Sherburne County not included in senate district 19, and that portion of Morrison County consisting of: the city of Buckman, Buckman Township, the city of Genola, Granite Township, the city of Harding, the city of Hillman, Hillman Township, Lakin Township, the city of Lastrup, Leigh Township, Morrill Township, Mount Morris Township, Pierz Township, Pulaski Township, and Richardson Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 17 is divided into two house districts as follows:

(a) House district 17A consists of that portion of senate

district 17 not included in house district 17B.

(b) House district 17B consists of those portions of Benton and Sherburne Counties located in senate district 17.

Sec. 19. 2.213 [EIGHTEENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 18 consists of all of Chisago County, all of Isanti County, that portion of Kanabec County consisting of ~~the city of Braham,~~ Brunswick Township, Grass Lake Township, the city of Grasston, and South Fork Township, and that portion of Pine County consisting of the city of Pine City, Pine City Township, the city of Rock Creek, and Royalton Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 18 is divided into two house districts as follows:

(a) House district 18A consists of all of Isanti County, that portion of Chisago County consisting of Lent Township and the city of Stacy, that portion of Kanabec County contained in senate district 18, and that portion of the Pine County consisting of Royalton Township.

(b) House district 18B consists of that portion of senate districtt 18 not included in house district 18A.

Sec. 20. 2.223 [NINETEENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 19 consists of that portion of Sherburne County consisting of the city of Becker, Becker Township, the city of Big Lake, Big Lake Township, the city of Clear Lake, Clear Lake Township, and the city of Elk River, and that portion of Wright County consisting of the city of Albertville, the city of Annandale, the city of Buffalo, Buffalo Township, Chatham Township, the city of Clearwater, Clearwater Township, Corinna Township, Frankfort Township, the city of Maple Lake, Maple Lake Township, the city of Monticello, Monticello Township, Otsego Township, the city of St. Michael, and Silver Creek Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 19 is divided into two house districts as follows:

(a) House district 19A consists of that portion of senate district 19 not included in house district 19B.

(b) House district 19B consists of that portion of Sherburne County consisting of the city of Elk River, and that portion of Wright County consisting of the city of Albertville, the city of Buffalo, Buffalo Township, ~~Chatham Township,~~ Frankfort Township, Otsego Township, and the city of St. Michael.

Sec. 21. 2.233 [TWENTIETH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 20 consists of that portion of Carver County consisting of the city of Hamburg, Hollywood Township, the city of Norwood, the city of Watertown, Watertown Township, the city of Young America, and Young America Township, that portion of McLeod County not included in senate district 15 or 23, that portion of Meeker County not included in senate district 15, that portion of Stearns County consisting of the city of Eden Valley, and that portion of Wright County not included in senate district 19, ~~33,~~ or 34.

Subd. 2. [HOUSE DISTRICTS.] Senate district 20 is divided into two house districts as follows:

(a) House district 20A consists of that portion of senate district 20 not included in house district 20B.

(b) House district 20B consists of that portion of Carver County included in senate district 20, that portion of McLeod County consisting of Bergen Township, Hale Township, Helen Township, the city of Lester Prairie, the city of Plato, Rich Valley Township, the city of Silver Lake, the city of Winsted, and Winsted Township, and that portion of Wright County consisting of Albion Township, the city of Cokato, Cokato Township, French Lake Township, the city of Howard Lake, Marysville Township, Middleville Township, the city of Montrose, the city of South Haven, Southside Township, Victor Township, the city of Waverly, and Woodland Township.

Sec. 22. 2.243 [TWENTY-FIRST DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 21 consists of all of Lincoln, Pipestone, and Rock Counties, all of Lyon County except that included in senate district 22, all of Yellow Medicine County excluding the city of

Granite Falls, that portion of Murray County consisting of Cameron Township, Chanarambie Township, the city of Chandler, Ellsborough Township, the city of Lake Wilson, and Moulton Township, that portion of Nobles County consisting of the city of Adrian, the city of Ellworth, Grand Prairie Township, Leota Township, the city of Lismore, Lismore Township, and Westside Township, and that portion of Redwood County consisting of Gales Township, Granite Rock Township, Johnsonville Township, the city of Lucan, the city of Milroy, the city of Seaforth, Sheridan Township, Underwood Township, Vail Township, the city of Vesta, Vesta Township, the city of Wabasso, Waterbury Township, and Westline Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 21 is divided into two house districts as follows:

(a) House district 21A consists of that portion of senate district 21 not included in house district 21B.

(b) House district 21B consists of all of Lincoln, Pipestone, and Rock Counties, that portion of Lyon County consisting of Coon Creek Township, the city of Florence, Island Lake Township, Nordland Township, and Shelburne Township, and those portions of Murray and Nobles Counties contained in senate district 21.

Sec. 23. 2.353 [TWENTY-SECOND DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 22 consists of all of Cottonwood and Jackson Counties, that portion of Brown County consisting of Albin Township, Bashaw Township, the city of Comfrey, Mulligan Township, and Stately Township, that portion of Lyon County consisting of the city of Balaton, Custer Township, the city of Garvin, Monroe Township, Rock Lake Township, and the city of Tracy, that portion of Martin County consisting of Cedar Township, the city of Ceylon, the city of Dunnell, Elm Creek Township, Fox Lake Township, Galena Township, Jay Township, Lake Belt Township, Lake Fremont Township, Manyaska Township, the city of Ormsby, the city of Sherburn, the city of Trimont, and the city of Welcome, that portion of Murray

County not included in senate district 21, that portion of Nobles County not included in senate district 21, that portion of Redwood County consisting of the city of Lamberton, Lamberton Township, North Hero Township, the city of Revere, Springdale Township, and the city of Walnut Grove, and that portion of Watonwan County consisting of Adrian Township, the city of Butterfield, Butterfield Township, the city of Darfur, Long Lake Township, Nelson Township, the city of Odin, Odin Township, the city of Ormsby, and St. James Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 22 is divided into two house districts as follows:

(a) House district 22A consists of that portion of Cottonwood County consisting of Ann Township, Rose Hill Township, Southbrook Township, the city of Westbrook, and Westbrook Township, that portion of Jackson County consisting of Alba Township, Ewington Township, and La Crosse Township, that portion of Lyon County included in senate district 22, that portion of Murray County included in senate district 22, that portion of Nobles County included in senate district 22, and that portion of Redwood County consisting of North Hero Township, the city of Revere, Springdale Township, and the city of Walnut Grove.

(b) House district 22B consists of that portion of senate district 22 not included in house district 22A

Sec. 24. 2.263 [TWENTY-THIRD DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 23 consists of that portion of Blue Earth County consisting of Butternut Valley Township, Cambria Township, and Judson Township, that portion of Brown County consisting of Burnstown Township, the city of Cobden, Cottonwood Township, Eden Township, the city of Evan, the city of Hanska, Home Township, Lake Hanska Township, Leavenworth Township, Linden Township, Milford Township, the city of New Ulm, North Star Township, Prairieville Township, Sigel Township, the city of Sleepy Eye, the city of Springfield, and Stark Township, that portion of McLeod County consisting of the city of

Brownton, the city of Glencoe, Clencoe Township, Penn Township, Round Grove Township, and Sumter Township, that portion of Nicollet County not included in senate district 24, that portion of Redwood County not included in senate district 21 or 22, and all of Sibley County except for Faxon Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 23 is divided into two house districts as follows:

(a) House district 23A consists of that portion of Brown County consisting of Burnstown Township, ~~the city of Cobden,~~ Eden Township, the city of Evan, Home Township, Milford Township, the city of New Ulm, North Star Township, Prairieville Township, the city of Sleepy eye, and the city of Springfield, and that portion of Redwood County included in senate district 23.

(b) House district 23B consists of that portion of senate district 23 not included in house district 23A.

Sec. 25. 2.273 [TWENTY-FOURTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 24 consists of that portion of Blue Earth County consisting of Lime Township, the city of Mankato, *the city of North Mankato,* Mankato Township, the city of Skyline, and South Bend Township, that portion of Le Sueur County consisting of the city of Cleveland, Cleveland Township, the city of Kasota, Kasota Township, the city of LeSueur, Ottawa Township, and Washington Township, that portion of Nicollet County consisting of Belgrade Township, the city of Mankato, the city of North Mankato, Oshawa Township, the city of St. Peter, and Traverse Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 24 is divided into two house districts as follows:

(a) House district 24A consists of that portion of Nicollet County consisting of the city of Mankato, and that portion of Blue Earth County consisting of *that portion of* the city of Mankato *south of U.S. Highway 14, less those portions of the city of Mankato surrounded by Mankato Township, plus those portions of Mankato Township surrounded by the city of Mankato.* the city of Skyline,

and South Bend Township.

(b) House district 24B consists of that portion of senate district 24 not included in house district 24A.

Sec. 26. 2.283 [TWENTY-FIFTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 25 consists of all of Rice County, that portion of Dakota County consisting of the city of Northfield, that portion of Scott County consisting of the city of New Prague, ~~and~~ that portion of Le Sueur County not included in senate district 24 of 35, *and that portion of Waseca County consisting of the city of Elysian.*

Subd. 2. [HOUSE DISTRICTS.] Senate district 25 is divided into two house districts as follows:

(a) House district 25A consists of those portions of Dakota and Scott Counties included in senate district 25, that portion of Le Sueur County consisting of the city of Heidelberg, Lanesburgh Township, the city of Le Center, Lexington Township, the city of Montgomery, Montgomery Township, and the city of New Prague, and that portion of Rice County consisting of Bridgewater Township, the city of Dundas, Forest Township, the city of Lonsdale, the city of Northfield, Webster Township, and Wheatland Township.

(b) House district 25B consists of that portion of senate district 25 not included in house district 25A.

Sec. 27. 2.293 [TWENTY-SIXTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 26 consists of all of Faribault County, that portion of Blue Earth County not included in senate district 23 or 24, that portion of Martin County not included in senate district 22, that portion of Waseca County not included in senate district ~~25 or~~ 28, and that portion of Watonwan County not included in senate district 22.

Subd. 2. [HOUSE DISTRICTS.] Senate district 26 is divided into two house districts as follows:

(a) House district 26A consists of that portion of senate district 26 not included in house district 26B.

(b) House district 26B consists of all of Faribault County, that portion of Blue Earth County consisting of

Beauford Township, Danville Township, Decoria Township, the city of Eagle Lake, the city of Good Thunder, Jamestown Township, Le Ray Township, Lyra Township, McPherson Township, the city of Madison Lake, the city of Mapleton, Mapleton Township, Medo Township, the city of Pemberton, the city of St. Clair, and Sterling Township, Byron Township, Freedom Township, the city of Janesville, Janesville Township, the city of New Richland, New Richland Township, Vivian Township, the city of Waldorf, and Wilton Township.

Sec. 28. 2.303 [TWENTY-SEVENTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 27 consists of all of Freeborn County, and that portion of Mower County not included in senate district 31.

Subd. 2. [HOUSE DISTRICTS.] Senate district 27 is divided into two house districts as follows:

(a) House district 27A consists of all of Freeborn County.

(b) House district 27B consists of that portion of senate district 27 not included in house district 27A.

Sec. 29. 2.313 [TWENTY-EIGHTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 28 consists of all of Steele County, all of Dodge County except Vernon Township, that portion of Goodhue County consisting of Cherry Grove Township, Holden Township, Kenyon Township, the city of Kenyon, Roscoe Township, Wanamingo Township, and the city of Wanamingo, that portion of Olmsted County consisting of the city of Byron and Kalmar Township, and that portion of Waseca County consisting of Blooming Grove Township, Iosco Township, Otisco Township, St. Mary Township, the city of Waseca, and Woodville Township.

Subd. 2. [HOUSE DISTRICTS.] Senate district 28 is divided into two house districts as follows:

(a) House district 28A consists of that portion of Steele County consisting of Clinton Falls Township, Deerfield Township, Meriden Township, Owatonna Township, and the city of Owatonna, and that portion of Waseca County consisting of Blooming Grove Township, Iosco Township, St. Mary Township, the city of Waseca, and Woodville

Township.

(b) House district 28B consists of that portion of senate district 28 not included in house district 28A.

Sec. 30. 2.323 [TWENTY-NINTH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate District 29 consists of all of Wabasha County, that portion of Dakota County consisting of the city of Hastings, *the portion of Marshan Township surrounded by the city of Hastings*, and Ravenna Township, ~~and~~ that portion of Goodhue County not included in senate district 28 or 37, *and that portion of Washington County consisting of the city of Hastings*.

Subd. 2. [HOUSE DISTRICTS.] Senate district 29 is divided into two house districts as follows:

(a) House district 29A consists of that portion of Dakota County consisting of the city of Hastings, *the portion of Marshan Township surrounded by the city of Hastings*, and Ravenna Township, and that portion of Goodhue County consisting of the city of Red Wing, and Welch Township.

(b) House district 29B consists of that portion of senate district 29 not included in house district 29A.

Sec. 31. 2.333 [THIRTIETH DISTRICT.]

Subdivision 1. [SENATE DISTRICT.] Senate district 30 consists of that portion of Olmsted County consisting of the city of Rochester, *plus the portions of the townships of Cascade, Marion, and Rochester that are surrounded by the City of Rochester, less the portions of the city of Rochester and Rochester Township lying within a line described as follows: commencing at the interesection of U.S. Highway 52, Mayowood Road Southwest, and the southwestern boundary of the city of Rochester, northerly along U.S. Highway 52 to 16th Street Southwest, easterly along 16th Street Southwest and 16th Street Southeast to 9th Avenue Southeast, southerly along 9th Avenue Southeast to 17 1/2 Street Southeast, easterly along 17 1/2 Street Southeast to 10th Avenue Southeast, southerly along 10th Avenue Southeast to 19th Street Southeast,*

westerly along 19th Street Southeast, southerly along 9 1/2 Avenue Southeast to 20th Street Southeast, easterly along 20th Street Southeast to 11th Avenue Southeast, southerly along 11th Avenue Southeast to Pinwood Road Southeast, southeasterly along Pinwood Road Southeast to the eastern boundary of the city of Rochester, and southerly, westerly, and northerly along the boundary of the city of Rochester to the point of origin.

Subd. 2. [HOUSE DISTRICTS.] Senate district 30 is divided into two house districts as follows:

(a) House district 30A consists of that portion of senate district 30 lying north of a line described as follows: commencing at the intersection of ~~Country club Road West with the western boundary of the city of Rochester, easterly along Country Club Road West and 2nd Street Southwest to 6th Avenue Southwest, northerly along 6th Avenue Southwest and 6th Avenue Northwest to 7th Street Northwest, westerly along 7th Street Northwest to 7th Avenue Northwest, northerly along 7th Avenue Northwest to 11th Street Northwest, easterly along 11th Street Northwest to 5th Avenue Northwest, northerly along 5th Avenue Northwest to 14th Street Northwest, easterly along 14th Street Northwest to Cascade Creek, northeasterly along Cascade Creek to the Zumbro River, southeasterly and southerly along the zumbro River to 7ths Street Northeast, easterly along 7th Street Northeast to 11th Avenue Northeast, northerly along 11th Avenue Northeast to 14th Street Northwest, easterly along 14th Street Northwest~~ *Industrial Drive Northwest, 7th Street Northwest, and the western boundary of the city of Rochester, easterly along 7th Street Northwest and 7th Street Northeast to 14th Avenue Northeast, northerly along 14th Avenue Northeast to Viola Road Northeast,* and northeasterly along Viola Road Northeast to ~~19th Street Northeast, westerly along 19th Street Northeast to 13th Avenue Northeast, northerly along 13th Avenue Northeast~~ to the ~~northeastern~~ *eastern* boundary of the city of Rochester.

(b) House district 30B consists of that portion of senate district 30 not included in house district 30A.

Sec. 32 2.343 (THIRTY-FIRST DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 31 consists of that portion of Dodge County consisting of Vernon Township, that portion of Fillmore County not included in senate district 32, that portion of Mower County consisting of Bennington Township, Clayton Township, Frankford Township, the city of Grand Meadow, Grand Meadow Township, the city of Le Roy, Le Roy Township, Lodi Township, Pleasant Valley Township, the city of Racine, Racine Township, the city of Sargeant, Sargeant Township, and the city of Taopi, that poriton of Olmsted County not included in senate district 28 or 30, and that portion of Winona County consisting of the city of St. Charles, St. Charles Township, and Saratoga Township.

Subd. 2. (HOUSE DISTRICTS.) Senate district 31 is divided into two house districts as follows:

(a) House district 31A consists of that portion of senate district 31 not included in house district 31B.

(b) House district 31B consists of those portions of Fillmore, Mower, and Winona Counties in senate district 31, and that portion of Olmsted County consisting of the city of Chatfield, the city of Dover, Dover Township, Elmira Township, the city of Eyota, Eyota Township, Orion Township, Quincy Township, and Viola Township.

Sec. 33 2.353 (THIRTY-SECOND DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 32 consists of all of Houston County, that portion of Fillmore county consisting of Norway Township, the city of Peterson, the city of Rushford, and the city of Rushford Village, and that portion of Winona County not included in senate district 31.

Subd. 2. (HOUSE DISTRICTS.) Senate district 32 is divided into two house districts as follows:

(a) House district 32A consists of that portion of Winona county consisting of the city of Elba, Elba Township, the

city of Goodview, the city of Minneiska City, the city of Minnesota City, Mount Vernon Township, the city of Rollingstone, Rollingstone Township, Whitewater Township, the city of Winona, and Winona Township.

(b) House district 32B consists of that portion of senate district 32 not included in house district 32A.

Sec. 34. 2.363 (THIRTY-THIRD DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 33 consists of that portion of Hennepin County consisting of ~~Rogers,~~ *the cities of* Corcoran, ~~Hassan,~~ Dayton, ~~and~~ Maple Grove, *and Rogers, Hassan Township,* that portion of the city of Champlin not included in senate district 48, and that portion of the city of Plymouth lying east and north of the line described as follows: commencing at the intersection of the northern boundary of the city of Plymouth and Interstate Highway 494, southerly along Interstate Highway 494 to ~~Highway~~ *County Road* 47, easterly along ~~Highway~~ *County Road* 47 to Pineview Lane North, southerly along Pineveiew Lane North to the Soo Line railroad tracks, easterly along the Soo Line railroad tracks to Larch Lane North, southerly along Larch Lane North to Rockford Road, easterly along Rockford Road to Zachery Lane North, southerly along Zachary Lane North to 36th Avenue North, easterly along 36th Avenue North to the eastern boundary of the city of Plymouth; *and that portion of Wright County consisting of the city of Dayton.*

Subd. 2. (HOUSE DISTRICTS.) Senate district 33 is divided into two house districts as follows:

(a) House district 33A consists of that portion of senate district 33 not included in house district 33B.

(b) House district 33B consists of that portion of the city of Plymouth in senate district 33 and that portion of the city of Maple Grove lying south and east of a line described as follows: commencing at the intersection of the eastern boundary of the city of ~~Plymouth~~ *Maple Grove* with 101st Avenue North, westerly along 101st Avenue North to Zachary Lane, southerly along Zachary Lane to *the NSP power line south of* 97th Avenue North, easterly

westerly along 97th Avenue North *and its extension the NSP power line* to the extension of Xenium Lane, southerly along the extension of Xenium Lane and Xenium Lane to County Road 30, westerly along County Road 30 to Interstate Highway ~~494~~ *94*, ~~southerly~~ *southeasterly* along Interstate Highway ~~494~~ *94* to ~~85th Avenue North~~ *Weaver Lake Road*, westerly along ~~85th Avenue North~~ *Weaver Lake Road* to *the creek north of Fish Lake, southerly along the creek to* Fish Lake, southerly along the ~~western~~ *eastern* shore of Fish Lake to ~~Fernbrook Lane~~ *the boat launch at Fish Lake Regional Park*, southerly *from the boat launch* along *the hiking trail west of* Fernbrook Lane to Timbercrest Drive, easterly along Timber crest Drive to *Zinnia Maplewood Drive*, northerly along *Zinnia Maplewood Drive* to 73rd Avenue North, easterly along 73rd Avenue North *and its extension* to Interstate Highway 494, southerly along Interstate Highway 494 to the southern boundary of the city of Maple Grove.

Sec. 35. 2.373 (THIRTY-FOURTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 34 consists of that portion of Hennepin county ~~not included in any other senate district~~ *consisting of the cities of Greenfield, Hanover, Independence, Long Lake, Loretto, Maple Plain, Medina, Minnestrista, Mound, Rockford, St. Bonifacius, and Spring Park, that portion of the city of Orono not included in senate district 43, and that portion of the city of Plymouth not included in senate district 33 or 45*, and that portion of Wright County consisting of the city of Delano, Franklin Township, *the city of Hanover*, the city of Rockford, and Rockford Township.

Subd. 2. (HOUSE DISTRICTS.) Senate district 34 is divided into two house districts as follows:

(a) House district 34A consists of *the portion of Wright County included in senate district 34* and that portion of Hennepin County consisting of the city of Hanover, the city of Greenfield, the city of Independence, the city of Minnestrista, the city of Mound, *the city of Rockford*, the city of Spring Park, and the city of St. Bonifacius.

(b) House district 34B consists of that portion of senate

district 34 not included in house district 34A.

Sec. 36. 2.383 (THIRTY-FIFTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 35 consists of that poriton of Carver County not included in senate district 20 or 43, that poriton of Le Sueur County consisting of Derrynane Township, Sharon Township, and Tyrone Township, that portion of Scott County not included in senate district *25,* 37, or 41, and that portion of Sibley County consisting of Faxon Township.

Subd. 2. (HOUSE DISTRICTS.) Senate district 35 is divided into two house districts as follows:

(a) House district 35A consists of that portion of senate district 35 not included in house district 35B.

(b) House District 35B consists of that portion of Scott County consisting of Jackson Township, the city of Jordan, Louisville Township, the city of Prior Lake, Sandcreek Township, the city of Shakopee, and Spring Lake Township.

Sec. 37. 2.393 (THIRTY-SIXTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 36 consists of that portion of Dakota County consisting of that portion of the city of Burnsville lying south of a line described as follows: commencing at the intersection of the western boundary of Dakota County and County Road 42, easterly along County Road 42 to Burnsville Parkway, northeasterly along Burnsville Parkway to West 136th Street, easterly along West 136th Street to County Road 5, southerly along County Road 5 to West 138th Street, ~~southeasterly~~ *easterly* along West 138th Street to *James Avenue, southeasterly along James Avenue to West 140th Street,* ~~*southwesterly*~~ *southeasterly* along *West* 140th Street to McAndrews Road, easterly along McAndrews Road to Nicollet Avenue, northerly along Nicollet Avenue to State Highway 13, northeasterly along State Highway 13 to Cliff Road, easterly along Cliff Road to the eastern boundary of the city of Burnsville, that portion of the city of Apple Valley lying south of a line described as follows: commencing at the intersection of the northern boundary of the city of Apple Valley with

State Highway 77, southerly and then easterly along State Highway 77 *and County Road 38* to Johnny Cake Ridge Road, ~~northerly along Johnny Cake Ridge Road to the extension of Eveleth Path, easterly and northeasterly along Eveleth Path and its extension to 126th Street West, easterly and southeasterly along 126th Street West~~ and *Diamond Path, and southeasterly along* Diamond Path to the eastern boundary of the city of Apple Valley, and that portion of the city of Lakeville north and east of a line described as follows: commencing at the intersection of the northern boundary of the city of Lakeville and Flagstaff Avenue, southerly along Flagstaff Avenue to Dodd Boulevard, northeasterly along Dodd Boulevard to the northern boundary of the city of Lakeville.

Subd. 2. (HOUSE DISTRICTS.) Senate district 36 is divided into two house districts as follows:

(a) House district 36A consists of those portions of the ~~cities of Apple Valley and Lakeville~~ *city of Burnsville* contained in senate district 36.

(b) House district 36B consists of that portion of senate district 36 not included in house district 36A.

Sec. 38. 2.403 (THIRTY-SEVENTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 37 consists of that portion of Scott County consisting of Credit River Township, Cedar Lake Township, New Market Township, the city of New Market, and the city of Elko, that portion of Dakota county not included in senate district 25, 29, 36, 38, ~~or~~ 39, *or 41,* and that portion of Goodhue County consisting of Cannon Falls Township, Leon Township, Stanton Township, and Warsaw Township, and the cities of Cannon Falls and Dennison.

Subd. 2. (HOUSE DISTRICTS.) Senate district 37 is divided into two house districts as follows:

(a) House distict 37A consists of that portion of house district 37 not included in house district 37B.

(b) House district 37B consists of that portion of senate district 37 consisting of that portion of Scott County located in senate district 37 and that portion of Dakota

County consisting of that portion of the city of Lakeville included in senate district 37 and that portion of the city of Farmington lying north of a line described as follows: commencing at the intersection of the ~~northern boundary of the city of Farmington and the~~ eastern boundary of the city of Farmington, ~~southerly along the eastern boundary of the city of Farmington to the point where it turns east, westerly along an extension of that boundary of the city of Farmington~~ *and the north branch of the Vermillion River, southwesterly along the north branch of the Vermillion River* to Akin Road, northwesterly along Akin Road to 195th Street West, westerly along 195th Street West to Flagstaff Avenue, southerly along Flagstaff Avenue to 200th Street West, westerly along 200th Street West to the western boundary of the city of Farmington.

Sec. 39. 2.413 (THIRTY-EIGHTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 38 consists of that portion of Dakota County consisting of the cities of Eagan, Lilydale, and Mendota, that portion of the city of Apple Valley not included in senate district 36, that portion of the city of Burnsville north and east of a line described as follows: commencing at the intersection of the northern bundary of ~~Dakota County~~ *the city of Burnsville* and Interstate Highway 35W, southerly along Interstate Highway 35W to the Chicago Northwestern Transportation Company railroad tracks, easterly along the Chicago and Northwestern Transportation Company railroad tracks to Cliff Road, southerly and easterly along Cliff Road to Nicollet Avenue, southerly along Nicollet Avenue to State Highway 13, northeasterly along State Highway 13 to Cliff Road, easterly along Cliff Road to the eastern boundary of the city of Burnsville, and that portion of the city of Mendota Heights lying west and south of a line described as follows: commencing at the intersection of the ~~northern~~ *northwestern* boundary of the city of Mendota Heights and ~~State Highway 13, southwesterly along State Highway 13 to~~ Wachtler Avenue, southerly along Wachtler Avenue to Wentworth Avenue, easterly along Wentworth Avenue to Dodd Road,

southwesterly along Dodd Road to Marie Avenue, easterly along Marie Avenue to the eastern boundary of the city of Mendota Heights.

Subd. 2. (HOUSE DISTRICTS.) Senate district 38 is divided into two house districts as follows:

(a) House district 38A consists of that portion of senate district 38 not included in house district 38B.

(b) House district 38A consists of that portion of the city of Apple Valley in senate district 38, that portion of the city of Burnsville east of a line described as follows: commencing at the intersection of State Highway 13 and the eastern boundary of the city of Burnsville, southwesterly along State Highway 13 to Cliff Road, easterly along Cliff Road to the eastern boundary of the city of Burnsville, and that portion of the city of Eagan lying south of a line described as follows: commencing at the intersection of the western boundary of the city of Eagan and Diffley Road, easterly along Diffley Road to Lexington Avenue, northerly along Lexington Avenue to Yankee Doodle Road, easterly along Yankee Doodle Road to the ~~Soo Line railroad tracks~~ *State Highway 149*, southeasterly along ~~the Soo Line railroad tracks~~ *State Highway 149* to the eastern boundary of the city of Eagan.

(b) House district 38B consists of that portion of senate district 38 not included in house district 38A.

Sec. 40 2.423 (THIRTY-NINTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 39 consists of that portion of Dakota County consisting of the cities of Inver Grove Heights, South St. Paul, Sunfish Lake, West St. Paul, and that portion of the city of Mendota Heights not included in senate district 38.

Subd. 2. (HOUSE DISTRICTS.) Senate district 39 is divided into two house districts as follows:

(a) House district 39A consists of that portion of senate district 39 consisting of the cities of West St. Paul and Sunfish Lake, that portion of the city of Mendota Heights included in senate district 39, that portion of the city of South St. Paul lying north and west of a line described as follows: commencing at the intersection of the southern

boundary of the city of South St. Paul and 18th Avenue South, northerly along 18th Avenue South to Southview ~~Boulevard~~ *an extension of 3rd Street South*, easterly along ~~Southview Boulevard~~ *the extension of 3rd Street South* to 17th Avenue South, northerly along 17th Avenue South to 4th Street North, easterly along 4th Street North to 14th Avenue North, northerly along 14th Avenue North to Wentworth Avenue, easterly along Wentworth Avenue and its extension to the Mississippi River, and that portion of the city of Inver Grove Heights lying west and north of a line described as follows: commencing at the intersection of the northern boundary of the city of Inver Grove Heights and Babcock Trail *East*, southerly along Babcock Trail *East and its extension across Interstate Highway 494* to upper 55th Street East, westerly along upper 55th Street East to the western boundary of the city of Inver Grove Heights.

(b) House district 39B consists of that portion of senate district 39 not included in house district 39A.

Sec. 41. 2.433 (FORTIETH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 40 consists of *that portion of Hennepin County consisting of* that portion of the city of Bloomington not included in senate district 41, and that portion of the city of Richfield not included in senate district 63.

Subd. 2. (HOUSE DISTRICTS.) Senate district 40 is divided into two house districts as follows:

(a) House district 40A consists of that portion of senate district 40 *consisting of the city of Richfield and that portion of the city of Bloomington* lying ~~north and~~ east *and north* of a line described as follows: commencing at the intersection of the northern boundary of the city of Bloomington and Interstate Highway 35W, southerly along Interstate Highway 35W to the Soo Line railroad tracks, northeasterly along the Soo Line railroad tracks to *Lyndale Avenue South, southerly along Lyndale Avenue South to* 95th Street, easterly along 95th Street to *3rd Avenue South, southerly along 3rd Avenue South to 96th Street, easterly along 96th Street to* Chicago Avenue

South, northerly along Chicago Avenue South to 94th Street, easterly along 94th Street to *Riverview Avenue, southerly along Riverview Avenue to* Old Shakopee Road, northeasterly along Old Shakopee Road to Old Cedar Avenue, southeasterly along Old Cedar Avenue to the Minnesota River.

(b) House district 40B consists of that portion of senate district 40 not included in house district 40A.

Sec. 42 2.443 (FORTY-FIRST DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 41 consists of that portion of Dakota County consisting of that portion of the city of Burnsville not included in senate district 36 or 38, that portion of Scott County consisting of the city of Savage *and that portion of the city of Shakopee lying within a line described as follows: commencing at the intersection of County Road 18 and the eastern boundary of the city of Shakopee, southwesterly along County Road 18 to State Highway 101, and southeasterly along State Highway 101 to the eastern boundary of the city of Shakopee*, and that portion of Hennepin County consisting of that portion of the city of Bloomington lying west of a line described as follows: commencing at the intersection of the southern boundary of the city of Bloomington with ~~the~~ *an* extension of ~~France~~ *Irwin* Avenue ~~South~~, ~~north of~~ *northerly along* the extension of ~~France~~ *Irwin* Avenue ~~South~~ *and Irwin Avenue* to Overlook Drive, westerly along ~~west on~~ *westerly along* Overlook Drive to Normandale Boulevard, ~~north on~~ *northerly along* Normandale Boulevard to Old Shakopee Road, easterly along Old Shakopee Road to Kell Avenue, southerly along Kell Avenue to 108th Street, easterly along 108th Street to Xerxes Avenue South, northerly along Xerxes Avenue South to Old Shakopeee Road, northeasterly along Old Shakopee Road to Nine Mile Creek, northerly and westerly along Nine Mile Creek to West 90th Street, southwesterly along West 90th Street to Poplar Bridge Road, easterly along Poplar Bridge Road to Kingsdale Drive, southwesterly along Kingsdale Drive to

Poplar Bridge Road, southwesterly along Poplar Bridge Road to Normandale Boulevard, northerly along Normandale Boulevard to the northtern boundary of the city of Bloomington, and that portion of the city of Eden Prairie not included in senate district 42 or 43.

Subd. 2 (HOUSE DISTRICTS.) Senate district 41 is divided into two house districts as follows:

(a) House district 41A consists of that portion of senate district 41 lying north of a line described as follows: commencing with the intersection of Purgatory Creek and the western boundary of senate district 41, southeasterly along Purgatory Creek to Pioneer Trail, ~~southwesterly~~ *southeasterly* along Pioneer Trail to the Bloomington Ferry Road, southerly along the Bloomington Ferry Road to Old Shakopee Road, easterly along Old Shakopee Road to the eastern boundary of senate district 41.

(b) House district 41B consists of that portion of senate district 41 not included in house district 41A.

Sec. 43. 2.453 (FORTY-SECOND DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 42 consists of that portion of Hennepin County consisting of the city of Edina and that portion of the city of Eden Prairie not included in senate district 43 and lying west and north of a line described as follows: commencing at the intersection of the southern boundary of ~~Hennepin County~~ *the city of Eden Prairie* with the ~~extension~~ *NSP Power line that extends beyond the end* of Concord Drive, northerly along the ~~extension of Concord Drive~~ *NSP power line* to Riverview Road, westerly along Riverview Road to ~~Noder~~ *Mooer* Lane, northerly along ~~Noder~~ *Mooer* Lane to Silverwood Drive, easterly along Silverwood Drive to Homeward ~~Mills~~ *Hills* Road, northerly along Homeward ~~Mills~~ *Hills* Road to Anderson Lakes Parkway, easterly along Anderson Lakes Parkway to Hidden Oaks Drive, northeasterly along Hidden Oaks Drive and its extension to the southern shore of Anderson Lake, southerly, southeasterly, and northeasterly along the southern shore of Anderson Lake to the eastern boundary of the city of Eden Prairie.

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Williston Road to Lake Street *Extension*, easterly along Lake Street *Extension* to Christy *Maple* Lane, southerly along Christy *Maple* Lane to State Highway 7, easterly along State Highway 7 to Interstate Highway 494, southerly along Interstate Highway 494 to the southern boundary of the city of Minnetonka, the city of Minntonka Beach, that portion of the city of Orono lying south of the ~~northern shore~~ *channel between West Arm and Crystal Bay* of Lake Minnetonka, ~~along Crystal Bay, Smith Bay, and Browns Bay~~, the city of shorewood, the city of Tonka Bay, ~~the city of Wayzata~~, and the city of Woodland.

Subd. 2. (HOUSE DISTRICTS.) Senate district 43 is divided into two house districts as follows:

(a) House district 43A consists of that portion of senate district 43 consists of that portion of senate district 43 *lying in Carver County, and that portion of senate district 43 lying in Hennepin County* consisting of the cities of *Chanhassen*, Eden Prairie, Minnetonka Beach, Orono, and Tonka Bay, and that portion of the city of Shorewood lying west *of a line* described as follows: commencing at the intersection of the southern boundary of ~~Hennepin County~~ *the city of Shorewood and* ~~First Avenue~~ *Eureka Road*, northerly along ~~First Avenue~~ *Eureka Road* to Smithtown Road, westerly along Smithtown Road to Eureka Road, northerly along Eureka Road to Birch Bluff Road, easterly along Birch Bluff Road to the western boundary of the city of Tonka Bay.

(b) House district 43B consists of that portion of senate district 43 not included in house district 43A.

Sec. 45. 2.473 (FORTY-FOURTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 44 consists of that portion of Hennepin county consisting of the cities of Hopkins and St. Louis Park, and that portion of the city of Minnetonka lying south and east of a line described as follows: commencing at the intersection of Interstate Highway 494 and the southern boundary of the city of Minntonka, northerly along Interstate Highway 494 to Excelsior Boulevard, northeasterly and easterly along Excelsior Boulevard to *Shady Oak Road, and*

northerly along Shady Oak Road to the eastern boundary of the city of Minnetonka.

Subd. 2. (HOUSE DISTRICTS.) Senate district 44 is divided into two house districts as follows:

(a) *House district 44A consists of that portion of senate district 44 not included in house district 44B.*

(b) House district 44B consists of that portion of senate district 44 in the city of St. Louis Park lying east of a line described as follows: commencing at the intersection of the northern boundary of the city of St. Louis Park and Flag Avenue, southerly along Flag Avenue to Westmoreland Lane, easterly along Westmoreland Lane, Franklin Avenue, and its extension to Louisiana Avenue, southerly along Louisiana Avenue to the Burlington Northern railroad tracks, southwesterly along the Burlington Northern railroad tracks to Virginia Avenue, southerly along Virginia Avenue to West 28th Street, easterly along West 28th Street to Texas Avenue, southerly along Texas Avenue to the southern boundary of the city of St. Louis Park.

~~(b) House district 44A consists of that portion of senate district 44 not included in house district 44B.~~

Sec. 46. 2.483 (FORTY-FIFTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 45 consists of that portion of Hennepin County consisting of the city of Wayzata, that portion of the city of Golden Valley not included in senate district 46, the city of Medicine Lake, that portion of the city of Minnetonka not included in senate district 43 or 44, and that portion of the city of Plymouth lying south and east of a line described as follows: commencing at the intersection of the western boundary of the city of Plymouth with County Road 6, easterly along County Road 6 to Interstate Highway 494, northerly along Interstate Highway 494 to Rockford Road, easterly along Rockford Road to Zachary Lane, southerly along Zachary Lane to 36th Avenue North, easterly along 36th Avenue North to the eastern boundary of the city of Plymouth.

Subd. 2. (HOUSE DISTRICTS.) Senate district 45 is

Subd. 2. (HOUSE DISTRICTS.) Senate district 42 is divided into two house districts as follows:

(a) House district 42A *42B* consists of that portion of the city of Edina lying north and east of a line described as follows: commencing at the intersection of the western boundary of the city of Edina with State Highway 62, easterly along State highway 62 to State Highway 100, southerly along State Highway 100 to West 66th Street, easterly along West 66th Street to West Shore Drive, southeasterly along West Shore Drive to Laguna Drive, easterly along Laguna Drive to Wooddale Avenue, southerly along Wooddale Avenue to Dunberry Lane, easterly along Dunberry Lane to Cornelia Drive, southerly along Cornelia Drive to West 70th Street, easterly along West 70th Street to France Avenue, southerly along France Avenue to the southern boundary of the city of Edina.

(b) House District 42B *42A* consists of that portion of senate district 42 not contained in house district *42A 42B.*

Sec. 44. 2.463 (FORTY-THIRD DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 43 consists of that portion of Carver County consisting of the cities of Chanhassen and Victoria, and that portion of Hennepin County consisting of the ~~city~~ *cities* of *Chanhassen and* Deephaven, that portion of the city of Eden Prairie, ~~not included in senate district 42~~, *lying north and west of a line described as follows: commencing at the intersection of the western boundary of the city of Eden Prairie and the Soo Line railroad tracks, northeasterly along the Soo Line railroad tracks to Valley View Road, easterly along Valley View Road to Baker Road, northerly along Baker Road to the northern boundary of the city of Eden Prairie*, the city of Excelsior, the city of Greenwood, that portion of the city of Minnetonka lying south and west of a line described as follows: commencing at the intersection of the southern boundary of the city of Woodland and State Highway 101, southerly along State Highway 101 to Minntonka Boulevard, easterly along Minnetonka Boulevard to Williston Road, southerly along

divided into two house districts as follows:

(a) House district 45A consists of that portion of senate district 45 consisting of *the city of Wayzata*, that portion of the city of Minnetonka located in senate district 45, and that portion of the city of Plymouth located in senate district 45 lying west of Interstate Highway 494.

(b) House district 45B consists of that portion of senate district 45 not included in house district 45A.

Sec. 47. 2.493 (FORTY-SIXTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 46 consists of that portion of Hennepin County consisting of the cities of Crystal, New Hope, and Robbinsdale, that portion of the city of Golden Valley lying north and east *west* of a line described as follows: commencing at the intersection of the western border of the city of Golden Valley and the *an* extension of Earl Street, easterly along *the extension and* Earl Street to Independence Avenue North, northerly along Independence Avenue North to Duluth Street, easterly along Duluth Street to Winnetka Avenue, and northerly along Winnetka Avenue to the northern boundary of the city of Golden Valley, and that portion of the city of Brooklyn Center lying south of a line described as follows: commencing at the intersection of the western boundary of the city of Brooklyn Center and 58th Avenue North, easterly along 58th Avenue North to Shingle Creek, southerly along Shingle Creek to the southern boundary of the city of Brooklyn Center.

Subd. 2. (HOUSE DISTRICTS.) Senate district 46 is divided into two house districts as follows:

(a) House district 46A consists of that portion of senate district 46 *consisting of the city of New Hope, that portion of the city of Golden Valley included in senate district 46, and that portion of the city of Crystal* lying west of a line described as follows: commencing at the intersection of the northern boundary of the city of Crystal with U.S. ~~Highway~~ 52 *County Road 81*, southeasterly along U.S. ~~Highway~~ 52 *County Road 81* to the northern boundary of the city of Robbinsdale, westerly, *and* southerly, ~~and westerly~~ along the northern and western boundaries of

the city of Robbinsdale to ~~42nd~~ *43rd* Avenue North, westerly along ~~43rd~~ *Avenue North to* the ~~Soo~~ Line Railroad ~~Company tracks, southerly along the Soo Line Railroad Company tracks~~ *Brunswick Avenue North, southerly along Brunswick Avenue North to 42nd Avenue North, and westerly along 42nd Avenue North* to the western boundary of the city of Crystal; ~~westerly and southerly along the western boundary of the city of Crystal to the southern boundary of senate district 46~~.

(b) House disctict 46B consists of that portion of senate district 46 not included in house district 46A.

Sec. 48. 2.503 (FORTY-SEVENTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 47 consists of that portion of Hennepin County consisting of that portion of the city of Brooklyn Center not included in senate district 46 and that portion of the city of Brooklyn Park lying south and west of a line described as follows: commencing at the intersection of the western boundary of the city of Brooklyn Park and the southern boundary of the city of Osseo, easterly along the southern boundary of the city of Osseo to the Burlington Northern railroad tracks, southeasterly along the Burlington Northern railroad tracks to 85th Avenue North, easterly along 85th Avenue North to Xerxes Avenue, southerly along Xerxes Avenue to ~~81st Avenue North, easterly along 81st Avenue North and its extension to~~ Pearson Parkway, southeasterly along Pearson Parkway to Newton Avenue *North*, southerly along Newton Avenue *North* to the southern boundary of the city of Brooklyn Park.

Subd. 2. (HOUSE DISTRICTS.) Senate district 47 is divided into two house districts as follows:

(a) House district 47A consists of that portion of *the city of Brooklyn Park contained in* senate district 47 lying west of a line described as follows: commencing at the intersection of the northern boundary of senate district 47 and Noble Avenue, southerly along Noble Avenue to 83rd Avenue North, easterly along 83rd Avenue North to 82nd Avenue North, southerly and westerly along 82nd Avenue North to June Avenue, southerly along June Avenue *and*

Brookdale Drive to 73th Avenue North, westerly along 73th Avenue North to Lee Avenue, southerly and westerly along Lee Avenue to Major Avenue *North*, southerly and westerly along Major Avenue *North* to Noble Avenue North, Southerly along Noble Avenue North, to the southern boundary of ~~senate district 47~~ *the city of Brooklyn Park*.-

(b) House district 47B consists of that portion of senate district 47 not located in house district 47A.

Sec. 49. 2.513 (FORTY-EIGHTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 48 consists of that portion of Anoka County consisting of that portion of the city of Coon Rapids not included in senate district 49, the city of Spring Lake Park, that portion of the city of Blaine south and west of a line described as follows: commencing at the intersection of the western boundary of the city of Blaine with the right-of-way of State Highway 610, southeasterly along the right-of-way of State Highway 610 to Central Avenue Northeast, ~~southerly~~ *northerly* along Central Avenue Northeast to ~~89th Avenue, easterly along 89th Avenue Northeast and its extension to~~ *State Highway 118, southeasterly along State Highway 118 to an extension of* Hastings Street Northeast, southerly along *the extension and* Hastings Street Northeast to the southern boundary of the city of Blaine, and that portion of the city of Fridley lying north of a line described as follows: commencing at the intersection of the Mississippi River with Rice Creek, easterly along Rice Creek to East River Road, southeasterly along East River Road to *Mississippi Way, easterly along Mississippi Way to* Mississippi Street *Northeast*, easterly along Mississippi Street *Northeast* to Seventh Street Northeast, southerly along Seventh Street Northeast to 61st Avenue ~~East~~ *Northeast*, easterly along 61st Avenue ~~East~~ *Northeast* to West Moore Lake Drive, southeasterly along West Moore Lake Drive to State Highway 65, southerly along State Highway 65 to an extension of Lynde Drive *Northeast*, easterly along the extension of ~~Lynde Drive~~ and Lynde Drive *Northeast* to Regis Street

Drive Northeast, northerly along Regis ~~Street~~ *Drive Northeast to Hathaway Lane Northeast*, easterly along Hathaway Lane *Northeast and its extension* to Matterhorn Drive *Northeast*, northerly along Matterhorn Drive *Northeast* to Gardena Avenue, easterly along Gardena Avenue to the eastern boundary of the city of Fridley, that portion of Ramsey County consisting of the city of Spring Lake Park, and that portion of Hennepin County consisting of that portion of the city of Brooklyn Park not included in senate district 47, the city of Osseo, and that portion of the city of Champlin lying east of a line described as follows: commencing at the intersection of the southern boundary of the city of Champlin with ~~United States~~ *U.S.* Highway 169, northerly along U.S. Highway 169 to Hayden Lake Road, westerly along Hayden Lake Road to *the north-south NSP power line west of* Vera Street, northerly along ~~Vera Street and its extension to the extension of Baker Lane, northerly along Baker Lane and its extension~~ *the north-south NSP power line* French Lake Road, northeasterly along French Lake Road to Dayton ~~River~~ Road, Southeasterly along Dayton ~~River~~ Road *and its extension* to ~~United States~~ *U.S.* Highway 169, northerly along ~~United States~~ *U.S.* Highway 169 to the Mississippi River.

Subd. 2. (HOUSE DISTRICTS.) Senate district 48 is divided into two house districts as follows:

(a) House district 48A consists of that portion of senate district 48 not included in house district 48B.

(b) House district 48B consists of that portion of senate district 48 located in Anoka and Ramsey Counties.

Sec. 50. 2.523 (FORTY-NINTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 49 consists of that portion of Anoka County consisting of the city of Anoka and that portion of the city of Coon Rapids lying north of a line described as follows: commencing at the intersection of the Mississippi River with Coon Creek, northerly along Coon Creek to the Burlington Northern railroad tracks, southeasterly along the Burlington

Northern railroad tracks to Coon Rapids Boulevard *Extension*, easterly along Coon Rapids Boulevard *Extension* to the north-south Burlington Northern railroad tracks, northerly along the north-south Burlington Northern railroad tracks to Egret Boulevard *Northwest*, easterly along Egret Boulevard *Northwest*, easterly along Egret Boulevard *Northwest* to *U.S.* Highway 10, southeasterly along *U.S.* Highway 10 to ~~the extension of 94th Avenue, northeasterly along the extension of 94th Avenue~~ *Pleasure Creek, and northeasterly along Pleasure Creek* to the eastern boundary of the city of Coon Rapids.

Subd. 2. (HOUSE DISTRICTS.) Senate district 49 is divided into two house districts as follows:

(a) House district 49A consists of *the city of Anoka and* that portion of ~~senate district 49~~ *the city of Coon Rapids* lying north and west of a line described as follows: commencing at the intersection of the Mississippi River with the southern boundary of the campus of Anoka Ramsey State Community College, easterly along the southern boundary of the campus of Anoka Ramsey State Community College to Mississippi Boulevard, northerly along Mississippi Boulevard to Coon Rapids Boulevard, northwesterly along Coon Rapids Boulevard to Round Lake Boulevard, northerly along Round Lake Boulevard to 119th Avenue Northwest, easterly along 119th Avenue Northwest ~~an extension of Magnolia Street northerly along the extension of Magnolia Street~~ to the Burlington Northern railroad tracks, northwesterly along the Burlington Northern railroad tracks to Main Street, ~~easterly along Main Street to United States~~ *U.S.* Highway 10, ~~southeasterly along United States~~ *U.S.* Highway 10 to Hanson Boulevard, northeasterly along Hanson Boulevard to ~~North Dale~~ *Northdale* Boulevard, easterly along ~~North Dale~~ *Northdale* Boulevard to Sand Creek, northeasterly and southeasterly along Sand Creek to the eastern boundary of the city of Coon Rapids.

(b) House district 49B consists of that portion of senate district 49 not located in house district 49A.

Sec. 51. 2.533 (FIFTIETH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 50 consists of that portion of Anoka County *consisting of the cities of Andover, Bethel, East Bethel, Ham Lake, Ramsey, and St. Francis, and the townships of Burns, Columbus, Linwood, and Oak Grove, and that portion of the city of Blaine lying north and west of a line described as follows: commencing at the intersection of University Avenue Northeast and Main Street, easterly along Main Street to Jefferson Street Northeast, northerly along Jefferson Street Northeast to 125th Lane Northeast, easterly along 125th Lane Northeast to County Ditch 60, northeasterly and southeasterly along County Ditch 60 to Polk Street Northeast, southerly along Polk Street Northeast to 126th Avenue Northeast, easterly along 126th Avenue Northeast to Taylor Street Northeast, northerly along Taylor Street Northeast to 128th Avenue Northeast, easterly along 128th Avenue Northeast to Lincoln Street Northeast, northerly along Lincoln Street Northeast to 129th Avenue Northeast, easterly along 129th Avenue Northeast to Johnson Street Northeast, northerly along Johnson Street Northeast to 129th Avenue Northeast, easterly along 129th Avenue Northeast to Central Avenue Northeast, northerly along Central Avenue Northeast to the northern boundary of the city of Blaine.*

Subd. 2. (HOUSE DISTRICTS.) Senate district 50 is divided into two house districts as follows:

(a) House district 50A consists of that portion of senate district 50 *consisting of the cities of Andover and Ramsey, that portion of the city of Blaine included in senate district 50, and that portion of the city of Ham Lake* lying ~~north~~ *west State Highway 65.*

(b) House district 50B consists of that portion of senate district 50 not included in house district 50A.

Sec. 52. 2.543 (FIFTY-FIRST DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 51 consists of that portion of Anoka County consisting of all of the cities of Centerville, Lexington, and Lino Lakes, and that portion of the city of Blaine not included in senate district 48, 50, or 53 and that portion of Washington

County *consisting of the cities of Forest Lake and Marine-on-St. Croix, the townships of Forest Lake, May, and New Scandia, and that portion of the city of Hugo lying west and* north of a line described as follows: commencing at the intersectin of the ~~western boundary of the city of Hugo with the southern boundary of the city of Hugo, easterly along~~ the southern boundary of the city of Hugo to *and* Goodview Avenue, *northeasterly and* northerly along Goodview Avenue to 137th Street North, easterly along 137th Street North to Homestead Avenue North, northerly along Homestead Avenue North to 140th Street North, *and* easterly along 140th Street North to the eastern boundary of the city of Hugo.

Subd. 2. (HOUSE DISTRICTS.) Senate district 51 is divided into two house districts as follows:

(a) House district 51A consists of the city of Lexington and that portion of the city of Blaine included in senate district 51.

(b) House district 51B consists of that portion of senate district 51 not included in house district 51A.

Sec. 53. 2.553 (FIFTY-SECOND DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 52 consists of that portion of Anoka County consisting of the cities of Columbia Heights and Hilltop and that portion of the city of Fridley not included in senate district 48, and that portion of Ramsey County consisting of the ~~city of Mounds View and the city of New Brighton~~ *cities of Blaine, Mounds View, and New Brighton.*

Subd. 2. (HOUSE DISTRICTS.) Senate district 52 is divided into two house districts as follows:

(a) House district 52A consists of that portion of senate district 52 not included in house district 52B.

(b) House district 52B consists of *that portion of Ramsey County consisting of* the ~~city~~ *cities* of *Blaine and* Mounds View and that portion of the city of New Brighton located ~~within~~ *north and east of* a line described as follows: commencing at the intersection of 16th Street Northwest with the western boundary of the city of New Brighton, easterly along ~~the western boundary of the city of New~~

Brighton *16th Street Northwest* to Silver Lake Road, southerly along Silver Lake Road to County Road E, ~~westerly along County Road E to the western boundary of the city of New Brighton, and northerly along the western boundary of the city of New Brighton to the point of origin~~ *the southern boundary of the city of New Brighton.*

Sec. 54. 2.563 (FIFTY-THIRD DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 53 consists of that portion of Ramsey County consisting of the cities of Arden Hills, ~~Shoreview~~ *Gem Lake*, North Oaks, ~~Gem Lake~~ *Shoreview*, and Vadnais Heights; that portion White Bear Township bordered by boundaries of Anoka Coutny and the cities of Shoreview and North Oaks; those portions of the city of White Bear Lake and White Bear Township lying ~~westerly~~ *west and north* of a line described as follows: commencing at the intersection of Otter Lake Road ~~with a railroad right of way~~ *and the northern boundary of the city of Gem Lake, northerly along Otter Tail Lake* Road to County Raod H-2 *East*, easterly along County Road H-2 ~~to Bald Eagle Boulevard, southerly along Bald Eagle Boulevard extending~~ *East and its extension* to the shoreline of Bald Eagle Lake, ~~northerly, easterly~~, and northerly along the shoreline of Bald Eagle Lake to the northern boundary of Ramsey County; and ~~those portions~~ *that portion* of the ~~cities~~ *city of Little Canada and Maplewood not included in senate districts district* ~~54, 55, and 57~~; *that portion of the city of Maplewood lying within a line described as follows: commencing at the intersection of the northern boundary of the city of Maplewood and White Bear Avenue, southerly along White Bear Avenue to County Road C, westerly along County Road C to Keller Parkway, northerly along Keller Parkway to the western boundary of the city of Maplewood, northerly and easterly along the boundary of the city of Maplewood to the point of origin;* and that portion of Anoka County consisting of the city of Circle Pines and ~~that portion~~ *those portions* of the city of Blaine lying ~~within~~ *east and south of* a line described as follows: commencing at the intersection of Interstate Highway

35W and the northern boundary of Ramsey County, northerly along Interstate Highway 35W to the extension of *89th Avenue Northeast, easterly along 89th Avenue Northeast to Naples Street Northeast, northerly along Naples Street Northeast to* Flowerfield Road, easterly along the extension and Flowerfield Road to Lexington Avenue, ~~and~~ northerly~~, easterly, southerly, easterly, southerly, and westerly along the boundaries of the city of Blaine to the point of origin~~ *along Lexington Avenue to Ball Road, easterly along Ball Road to Lever Street Northeast, southerly along Lever Street Northeast to 103rd Lane Northeast, and easterly along 103rd Lane Northeast to the eastern boundary of the city of Blaine.*

Subd. 2. (HOUSE DISTRICTS.) Senate district 53 is divided into two house districts as follows:

(a) House district 53A consists of that portion of senate district 53 not included in house district 53B.

(b) House district 53B consists of that portion of senate district 53 consisting of the cities of ~~North Oaks,~~ Gem Lake, *North Oaks,* and Vadnais Heights; those portions of *the cities of Little Canada and Maplewood,* White Bear Township, and the city of White Bear Lake ~~described in subdivision 1~~ *included in senate district 53,* and that portion of the city of Shoreview lying ~~westerly of Hodgson Road and that portion lying~~ within a line described as follows: commencing at the intersection of *State Highway 96 and* Hodgson Road, ~~and~~, *southeasterly along Hodgson Road to* Snail Lake Boulevard, to County Road F, westerly, southerly, and westerly, along Snail Lake Boulevard to County Road F, westerly along County Road F ~~along County Road F to Lexington Avenue and~~ the western boundary of the city *of Shoreview,* southerly, easterly, ~~and~~ northerly *and westerly* along the boundaries of the city of Shoreview to ~~Hodgson Road, and northwesterly along Hodgson Road to~~ the point of origin.

Sec. 55. 2.573 (FIFTY-FOURTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 54 consists of that portion of Ramsey County consisting of the cities of *Falcon Heights, Lauderdale,* Roseville, *and* St.

Anthony, ~~Lauderdale, and Falcon Heights,~~ that portion of the city of Maplewood lying within a line described as follows: commencing at the intersection of Rice Street and Larpenteur Avenue, easterly along Larpenteur Avenue to *the intersection of* DeSoto ~~Avenue~~ *Street and a railroad right-of-way, northeasterly along the railroad right-of-way and an extension of it to Parkway Drive, northeasterly along Parkway Drive to Frost Avenue, easterly along Frost Avenue to Atlantic Street, northerly along Atlantic Street and its extension* to *an extension of* the railroad right-of-way, northeasterly along *the extension and* the railroad right-of-way to Hazelwood Street, northerly along Hazelwood Street to State Highway 36, easterly along State Highway 36 to White Bear Avenue, northerly along White Bear Avenue to County Road C, westerly along County Road C ~~and its extension~~ *to Keller Parkway, northerly along Keller Parkway* to the western boundary of the city of Maplewood, southwesterly along the western boundary of the city of Maplewood to the point of origin; that porition of the city of Little Canada lying within a line described as follows: commencing at the intersection of the northern boundary of the city of Little Canada and Rice Street, southerly, easterly, and northerly along the boundary of the city of Little Canada to Keller Parkway, westerly and southerly along Keller Parkway to Little Canada Road, westerly along Little Canada Road to Interstate Highway 35E, northerly along Interstate Highway 35E to Interstate Highway 694, northwesterly along Interstate Highway 694 to the northern boundary of the city of Little Canada, and westerly along the northern boundary of the city of Little Canada to the point of origin, and that portion of Hennepin County consisting of the city of St. Anthony.

Subd. 2. (HOUSE DISTRICTS.) Senate district 54 is divided into two house districts as follows:

(a) House district 54A consists of that portion of senate district 54 not included in house district 54B.

(b) House district 54B consists of those portions of the cities of Little Canada and Maplewood ~~contained~~ *included*

in senate district 54, and that portion of the city of Roseville lying within *east and north of* a line described as follows: commencing at the intersection of Snelling Avenue with the northern boundary of the city *of Roseville*, southerly along Snelling Avenue to County Road C, easterly along County Road C to Hamline Avenue, southerly along Hamline Avenue to Trunk *State* Highway 36, easterly along trunk *State* Highway 36 to Lexington Avenue, southerly along Lexington Avenue to County Road B, *and* easterly along County Road B to the eastern boundary of the city of Roseville. ~~and northerly and easterly along the boundaries of the city of Roseville to the point of origin.~~

Sec. 56. 2.583 (FIFTY-FIFTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 55 consists of that portion of Ramsey County consisting of the city of North St. Paul; that portion of the city of White Bear Lake not included in senate district 53; that portion of White Bear Township not included in senate district 53; that portion of *the city of* Maplewood ~~lying within a line described as follows: commencing at the intersection of Century Avenue and Interstate Highway 694, westerly along Interstate Highway 694 to White Bear Avenue, southerly along White Bear Avenue to Trunk Highway 36, westerly along Trunk Highway 36 to Hazelwood Street, southerly along Hazelwood Street to a railroad right of way, westerly along the railroad right of way to Chamber Street, southerly along Chamber Street to Frost Avenue, westerly and southwesterly along Frost Avenue to the extension of said railroad right of way, southwesterly along the extension and the railroad right of way to Larpenteur Avenue, easterly along Larpenteur Avenue to Century Avenue, northerly along Century Avenue to Holloway Avenue and the southern boundary of the city of North St. Paul, westerly, northerly, and easterly along the boundaries of the city of North St. Paul to Century Avenue, and northerly along Century Avenue to the point of origin, and, that part of the city of St. Paul lying within a line described as follows: commencing at the intersection~~

~~of Larpenteur Avenue and Interstate Highway 35E, southerly along Interstate Highway 35E to Arlington Avenue, easterly along Arlington Avenue to Wheelock Parkway, easterly along Wheelock Parkway and its extension to the shoreline of Lake Phalen, southeasterly along the shoreline of Lake Phalen and an extension of the shoreline to Johnson Parkway, southerly along Johnson Parkway to Maryland Avenue, easterly along Maryland Avenue to Kennard Street, northerly along Kennard Street to Sherwood Avenue, easterly along Sherwood Avenue to White Bear Avenue, northerly along White Bear Avenue to Larpenteur Avenue, and westerly along Larpenteur Avenue to the point of origin, and, that portion of Washington County lying within a line described as follows: the intersection of the southerly shoreline of White Bear Lake with the boundary between Ramsey and Washington counties, southeasterly along the shoreline and its extension to Cedar Hall Avenue, southeasterly along Cedar Hall Avenue to Wildwood Road, northeasterly along Wildwood Road to Ideal Avenue North, southerly along Ideal Avenue North to the boundaries of the city of Pine Springs, easterly, southerly, easterly, southerly, easterly, and southerly along the boundaries of the city of Pine Springs to Interstate Highway 694, westerly to the eastern boundary of Washington County, and northerly along the boundary to the point of origin~~ *not contained in senate district 53, 54, or 57, and that portion of the city of St. Paul not contained in senate district 64, 65, 66, or 67; and that portion of Washington County consisting of the cities of Birchwood Village, White Bear Lake, and Willernie, and that portion of the city of Mahtomedi lying south and west of a line described as follows: commencing at the intersection of the western boundary of the city of Mahtomedi and Birchwood Road, easterly along Birchwood Road to Wildwood Road, northeasterly along Wildwood Road to Stillwater Road, easterly along Stillwater Road to the western boundary of the city of Willernie, northerly, easterly, and southerly along the boundary of the city of*

Willernie to Stillwater Road, easterly along Stillwater Road to Hilton Trail, and southerly along Hilton Trail to the southern boundary of the city of Mahtomedi.

Subd. 2. (HOUSE DISTRICTS.) Senate district 55 is divided into two house districts as follows:

(a) House district 55A consists of that portion of senate district 55 not included in house district 55B.

(b) House district 55B consists of ~~that portion of Washington County included in senate district 55 and~~ that portion of Ramsey County consisting of the city of North St. Paul and those portions of the cities of Maplewood and St. Paul included in senate district 55.

Sec. 57. 2.593 (FIFTY-SIXTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 56 consists of that portion of Washington County not included in senate district *29,* 51, 55, or 57.

Subd. 2. (HOUSE DISTRICTS.) Senate district 56 is divided into two house districts as follows:

(a) House district 56A consists of that portion of senate district 56 north of a line described as follows: commencing at the intersection of the western boundary of Washington County with the southern boundary of the city of Mahtomedi easterly and northeasterly along the southern boundary of the city of Mahtomedi to the western boundary of Grant Township, southerly along the western boundary of Grant Township to the southern boundary of Grant Township, easterly along the southern boundary of Grant Township to the western boundary of Baytown Township southerly along the western boundary of Baytown Township to the southern boundary of Baytown Township, easterly along the southern boundary of Baytown Township to the eastern boundary of ~~senate district 56~~ *Washington County.*

(b) House district 56B consists of that portion of senate district 56 not included in house district 56A.

Sec. 58. 2.603 (FIFTY-SEVENTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 57 consists of that portion of Ramsey County consisting of that portion of the city of Maplewood lying south of

Larpenteur Avenue, and that portion of Washington County *consisting of the cities of Cottage Grove, Landfall, Newport, and St. Paul Park, the township of Grey Cloud Island, and that portion of the city of Oakdale* south and west of a line described as follows: commencing at the intersection of the western boundary of ~~Washington County~~ *the city of Oakdale* and the Chicago and Northwestern Transportation Company railroad tracks, ~~in the city of Oakdale~~, easterly along the Chicago and Northwestern Transportation Company railroad tracks to Interstate Highway 694, southerly along Interstate Highway 694 to *the southern boundary of the city of Oakdale; and that portion of the city of Woodbury lying west of a line described as follows: commencing at the intersection of the northern boundary of the city of Woodbury and Interstate Highway 494, southerly along Interstate Highway 494 to* Valley Creek Road, easterly along Valley Creek Road to ~~Queens Drive, southerly along Queens Drive to Afton Road, southeasterly along Afton Road to Tower Drive, northerly along Tower Drive to Valley Creek Road, easterly along Valley Creek Road to~~ *Interlachen Parkway, southerly along Interlachen Parkway to* Pioneer Drive, southerly along Pioneer Drive to Bailey Road, easterly along Bailey Road to Woodbury Drive, *and* southerly along Woodbury Drive to the southern boundary of the city of Woodbury. ~~easterly along the southern boundary of Woodbury to the eastern boundary of the city of Cottage Grove, southerly and westerly along the eastern and southern boundaries of Cottage Grove to the Mississippi River.~~

Subd. 2. (HOUSE DISTRICTS.) Senate district 57 is divided into two house districts as follows:

(a) House district 57A consists *of that portion of Ramsey County consisting of the portion of the city of Maplewood included in senate district 57 and that portion of Washington County consisting* of the city of Landfall and those portions of the cities of Oakdale and Woodbury included in senate district 57.

(b) House district 57B consists of that portion of senate

district 57 not included in house district 57A.

Sec. 59. 2.613 (FIFTY-EIGHTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 58 consists of that portion of Hennepin County consisting of that portion of the city of Minneapolis located within an area described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and Glenwood Avenue, easterly along Glenwood Avenue to the Burlington Northern railroad tracks, southeasterly and northeasterly along the Burlington Northern railroad tracks to Interstate Highway 94, southerly along Interstate Highway 94 to Interstate Highway 394, easterly along Interstate Highway 394 to Hawthorne Avenue, northeasterly along Hawthorne Avenue to 9th Street North, southerly along 9th Street North to Hennepin Avenue, northeasterly along Hennepin Avenue to Washington Avenue North, nortwesterly along Washington Avenue North to Plymouth Avenue North, easterly ~~and northeasterly~~ along Plymouth Avenue North to the Mississippi River, ~~northwesterly~~ *northerly* along the Mississippi River to the northern boundary of the city of Minneapolis, westerly along the northern boundary of the city of Minneapolis to the western boundary of the city of Minneapolis southerly along the western boundary of the city of Minneapolis to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 58 is divided into two house districts as follows:

(a) House district 58A consists of that portion of senate district 58 lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and 21st Avenue North, easterly along 21st Avenue North to Upton Avenue North, northerly along Upton Avenue North to 24th Avenue North, easterly on 24th Avenue North to Sheridan Avenue North, northerly along Sheridan Avenue North to 26th Avenue North, easterly along 26th Avenue North to Penn Avenue North, northerly along Penn Avenue North to 29th Avenue North, easterly along 29th Avenue North to Humboldt Avenue North, northerly along Humboldt

Avenue North to 30th Avenue North, easterly along 30th Avenue North to Dupont Avenue North, northerly along Dupont Avenue North to Lowry Avenue North, Easterly along Lowry Avenue North to the eastern boundary of senate district 58 *Mississippi River.*

(b) House district 58B consists of that portion of senate district 58 not included in house district 58A.

Sec. 60. 2.623 (FIFTY-NINTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 59 consists of that portion of Hennepin County consisting of that portion of the city of Minneapolis located within an area described as follows: commencing at the intersection of the Mississippi River and the northern boundary of the city of Minneapolis, easterly along the northern boundary of the city of Minneapolis to the eastern boundary of the city of Minneapolis, southerly along the eastern boundary of the city of Minneapolis to the Mississippi River, northwestelry along the Mississippi River to ~~U.S.~~ *State* Highway ~~12~~ *122*, southwesterly along ~~U.S.~~ *State* Highway ~~12~~ *122* to Interstate Highway 35W, southwesterly along Interstate Highway 35W to 7th Street South, northwesterly along 7th Street South to 5th Avenue South, southwesterly along 5th Avenue South to 9th Street South, northwesterly along 9th Street South to the eastern boundary of senate district 58, northerly along the eastern boundary of senate district 58 to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 59 is divided into two house districts as follows:

(a) House district 59A consists of that portion of senate district 59 lying north of a line described as follows: commencing at the intersection of the Mississippi River and 8th Avenue Northeast, northeasterly along 8th Avenue Northeast to the east bank of the Mississippi River, southeasterly along the east bank of the Mississippi River to *an extension of* 3rd Avenue Northeast, northeasterly along *the extension and* 3rd Avenue Northeast to 5th Street Northeast, northwesterly along 5th Street Northeast to Broadway Street Northeast, easterly along Broadway Street Northeast to Central Avenue Northeast, northerly

along Central Avenue Northeast to the Burlington Northern railroad tracks, southeasterly along the Burlington Northern railroad tracks to Fillmore Street Northeast, northerly along Fillmore Street Northeast to 14th Avenue Northeast, easterly along 14th Avenue Northeast to Johnson Street Northeast, southerly along Johnson Street Northeast to Interstate Highway 35W, northeasterly and easterly along Interstate Highway 35W to the eastern boundary of the city of Minneapolis.

(b) house district 59B consists of that portion of senate district 59 not included in house district 59A.

Sec. 61. 2.633 (SIXTIETH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 60 consists of that portion of Hennepin County consisting of that portion of the city of Minneapolis located within an area described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and West 50th Street, easterly along West 50th Street to Penn Avenue South, northerly along Penn Avenue South to Lake Harriet Parkway, easterly and northeasterly along Lake Harriet Parkway to West 46th Street, easterly along West 46th Street to Nicollet Avenue South, northerly along Nicollet Avenue South to West 36th Street, westerly along West 36th Street to Blaisdell Avenue South, northerly along Blaisdell Avenue South to West 34th Street, westerly along West 34th Street to Grand Avenue South, northerly along Grand Avenue South to West 32nd Street, westerly along West 32nd Street to Harriet Avenue South, northerly along Harriet Avenue South to West 31st Street, westerly along West 31st Street to Garfield Avenue South, northerly along Garfield Avenue South to West Lake Street, westerly along West Lake Street to Lyndale Avenue South, northerly along Lyndale Avenue South to Interstate Highway 94, easterly along Interstate Highway 94 and Interstate Highway 35W to the southern boundary of senate district 59, northwesterly along the southern boundary of senate district 59 to the southern boundary of senate district 58, westerly along the southern boundary of senate district 58 to the western boundary of

the city of Minneapolis, southerly along the western boundary of the city of Minneapolis to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 60 is divided into two house districts as follows:

(a) House district 60A consists of that portion of senate district 60 lying north of ~~a line described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and~~ West Lake Street, ~~easterly along West Lake Street to the eastern boundary of senate district 60.~~

(b) House district 60B consists of that portion of senate district 60 not included in house district 60A.

Sec. 62. 2.643 (SIXTY-FIRST DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 61 consists of that portion of Hennepin County consisting of that portion of the city of Minneapolis located within an area described as follows: commencing at the intersection of Lyndale Avenue South and Interstate Highway 94, easterly ~~and northeasterly~~ along Interstate Highway 94 and *northeasterly along* Interstate Highway 35W to ~~U.S.~~ *State* Highway ~~12~~ *122*, easterly along ~~U.S.~~ *State* Highway ~~12~~ *122* to Cedar Avenue South, southerly along Cedar Avenue South *and its extension to the Soo Line railroad tracks, southeasterly along the Soo Line railroad tracks to Cedar Avenue South, southwesterly along Cedar Avenue South* to Hiawatha Avenue, southerly along Hiawatha Avenue to East 28th Street, westerly along East 28th Street to 21st Avenue South, southerly along 21st Avenue South to East 32nd Street, westerly along East 32nd Street to 19th Avenue South, southerly along 19th Avenue South to East 34th Street, westerly along East 34th Street to Bloomington Avenue South, southerly along Bloomington Avenue South to East 36th Street, westerly along East 36th Street to 10th Avenue South, southerly along 10th Avenue South to East 38th Street, westerly along East 38th Street to Elliot Avenue South, southerly along Elliot Avenue South to East 44th Street, westerly along East 44th Street to Chicago Avenue South, southerly along Chicago Avenue South to East 50th Street, westerly along

East 50th Street to Park Avenue South, southerly along Park Avenue South to East Minnehaha Parkway, westerly along East Minnehaha Parkway to East 50th Street, westerly along East 50th Street to Stevens Avenue South, northerly along Stevens Avenue South to East 46th Street, westerly along East 46th Street to the eastern boundary of senate district 60, northerly along the eastern boundary of senate district 60, to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 61 is divided into two house districts as follows:

(a) House district 61A consists of that portion of senate district 61 lying north of a line described as follows: commencing at the intersection of ~~the western boundary of senate district 61~~ *Lyndale Avenue South* and West 25th Street, easterly along West 25th Street to Pillsbury Avenue South, southerly along Pillsbury Avenue South to West 26th Street, easterly along West 26th Street to 1st Avenue South, southerly along 1st Avenue South to West Lake Street, easterly along West lake Street to the eastern boundary of senate district 61.

(b) House district 61B consists of that portion of senate district 61 not included in house district 61A.

Sec. 63. 2.653 (SIXTY-SECOND DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 62 consists of that portion of Hennepin County consisting of that portion of the city of Minneapolis located within an area described as follows: commencing at the intersection of ~~U.S.~~ *State* Highway ~~12~~ *122* and Cedar Avenue South, northeasterly along ~~U.S.~~ *State* Highway ~~12~~ *122* to the Mississippi River, southeasterly and southerly along the Mississippi River to ~~the~~ *an* extension of East 54th Street, westerly along the extension of East 54th Street and East 54th Street to 40th Avenue South, southerly along 40th Avenue South to East 55th Street, easterly along East 55th Street to 41st Avenue South, southerly along 41st Avenue South to East 56th Street, westerly along East 56th Street to 28th Avenue South, southerly along 28th Avenue South to East 58th Street, westerly along East 58th Street and its extension to 14th Avenue South,

northerly along 14th Avenue South to East 54th Street, easterly along East 54th Street to Bloomington Avenue South, northerly along Bloomington Avenue South to East 48th Street, westerly along East 48th Street to the eastern boundary of senate district 61, northerly along the eastern boundary of senate district 61 to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 62 is divided into two house districts as follows:

(a) House district 62A consists of that portion of senate district 62 lying north of a line described as follows: commencing at the intersection of the western boundary of senate district 62 and East 36th Street, easterly along East 36th Street to Cedar Avenue South, southerly along Cedar Avenue South to East 38th Street, easterly along East 38th Street to Hiawatha Avenue, southeasterly along Hiawatha Avenue to East 42nd Street, easterly along East 42nd Street and its extension to the Mississippi River.

(b) House district 62B consists of that portion of senate district 62 not included in house district 62A.

Sec. 64. 2.663 (SIXTY-THIRD DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 63 consists of that portion of Hennepin County consisting of that portion of the city of Minneapolis not contained in senate district ~~57,~~ 58, 59, 60, ~~or~~ 61, *or 62*, that portion of the city of Richfield lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Richfield and West 67th Street, easterly along West 67th Street *and its extension* to Interstate Highway 35W, southerly along Interstate Highway 35W to West 73rd Street, easterly along West 73rd Street to 2nd Avenue South, southerly along 2nd Avenue South to the southern boundary of the city of Richfield, easterly along the southern boundary of the city of Richfield to the eastern boundary of the city of Richfield; *and* the unorganized territory of Fort Snelling; ~~and the Minneapolis-Saint Paul International Airport~~.

Subd. 2. (HOUSE DISTRICTS.) Senate district 63 is

divided into two house districts as follows:

(a) House district 63A consists of that portion of senate district 63 north of a line described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and State Highway 62, easterly along State Highway 62 to Lyndale Avenue South, northerly along Lyndale Avenue South to West 58th Street, easterly along West 58th Street *and its extension* to Interstate Highway 35W, southerly along Interstate Highway 35W to East 60th Street, easterly along East 60th Street to Portland Avenue South, northerly along Portland Avenue South to East 57th Street, southeasterly along East 57th Street to Chicago Avenue South, southerly along Chicago Avenue South to East 58th Street, easterly along East 58th Street to the western boundary of senate district 62.

(b) House district 63B consists of that portion of senate district 63 not included in house district 63A.

Sec. 65. 2.673 (SIXTY-FOURTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 64 consists of that portion of Ramsey County consisting of that portion of the city of St. Paul located within an area described as follows: commencing at the intersection of the western boundary of the city of St. Paul and the southern boundary of senate district 66, easterly along the southern boundary of senate district 66 to Hamline Avenue, southerly along Hamline Avenue to Ayd Mill Road, southeasterly along Ayd Mill Road to Summit Avenue, easterly along Summit Avenue to Griggs Street, northerly along Griggs Street to Portland Avenue, easterly along Portland *to Victoria Street, southerly along Victoria Street to Portland Avenue, easterly along Portland Avenue* to Dale Street, southerly along Dale Street to Summit Avenue, easterly and northeasterly along Summit Avenue to Western Avenue, southerly along Western Avenue and its extension to Ramsey Street, easterly along Ramsey Street and Grand Avenue to Interstate Highway 35E, southwesterly along Interstate Highway 35E to ~~St. Clair Avenue, westerly along St. Clair Avenue to Victoria Avenue, southerly along Victoria Avenue to Jefferson~~

~~Avenue, westerly along Jefferson Avenue to Interstate Highway 35E, southerly along Interstate Highway 35E to~~ the southern boundary of the city of St. Paul, southwesterly, ~~northerly, westerly,~~ and northwesterly along the ~~southern boundary of the city of St. Paul to the western boundary of the city of St. Paul, northerly along the western~~ boundary of the city of St. Paul to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 64 is divided into two house districts as follows:

(a) House district 64A consists of that portion of senate district 64 lying north of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and the extension of St. Clair Avenue, easterly along the extension of St. Clair Avenue and St. Clair Avenue to Snelling Avenue, southerly along Snelling Avenue to Jefferson Avenue, easterly along Jefferson Avenue to ~~Lexington Parkway, northerly along Lexington Parkway to the Soo Line railroad tracks, easterly along the Soo Line railroad tracks to the eastern boundary of senate district 64B~~ *Interstate Highway 35E.*

(b) House district 64B consists of that portion of senate district 64 not included in house district 64A.

Sec. 66. 2.683 (SIXTY-FIFTH DISTRICT.)

Subdivision 1 (SENATE DISTRICT.) Senate district 65 consists of that portion of Ramsey County consisting of that portion of the city of St. Paul located within an area described as follows: commencing at the intersection of the southern boundary of the city of St. Paul and the eastern boundary of senate district 64, northerly, easterly, northerly, and northeasterly along the eastern boundary of senate district 64 to Grand Avenue, westerly along Grand Avenue and Ramsey Street to the extension of Western Avenue, northerly along the extension of Western Avenue and Western Avenue to Summit Avenue, southwesterly and westerly along Summit Avenue to Dale Street, northerly along Dale Street to Portland Avenue, westerly along Portland Avenue *to Victoria Street, northerly along Victoria Street to Portland Avenue, westerly*

along Portland Avenue to Griggs Street, southerly along Griggs Street to Summit Avenue, Westerly along Summit Avenue to Ayd Mill Road, northwesterly along Ayd Mill Road to Hamline Avenue, northerly along Hamline Avenue to Charles Avenue, easterly along Charles Avenue to Lexington Parkway, northerly along Lexington Parkway to Minnhaha Avenue, easterly along Minnehaha Avenue to Dale Street, northerly along Dale Street to the Burlington Northern railroad tracks, easterly along the Burlington Northern railroad tracks past Interstate Highway 35E to the north-south Burlington Northern railroad tracks, southeasterly along the north-south Burlington Northern railroad tracks and their extension to the Mississippi River, southerly along the Mississippi River to the southern boundary of the city of St. Paul, westerly and southwesterly along the southern boundary of the city of St. Paul to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 65 is divided into two house districts as follows:

(a) House district 65A consists of that portion of senate district 65 lying west of a line described as follows: commencing at the intersection of the northern boundary of senate district 65 and Rice Street, southerly along Rice Street to John Ireland Boulevard, southwesterly along John Ireland Boulevard to Summit Avenue, southwesterly along Summit Avenue to the southern boundary of senate district 65.

(b) House district 65B consists of that portion of senate district 65 not included in house district 65A.

Sec. 67. 2.693 (SIXTY-SIXTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 66 consists of that portion of Ramsey County consisting of that portion of the city of St. Paul located within an area described as follows: commencing at the intersection of the western boundary of the city of St. Paul with the northern boundary of the city of St. Paul, easterly along the northern boundary of the city of St. Paul to Interstate Highway 35E, southerly along Interstate Highway 35E to Arlington Avenue, easterly ~~and southeasterly~~ along

Arlington Avenue ~~and~~ *to* Wheelock Parkway, *southeasterly along Wheelock Parkway to Johnson Parkway, southeasterly along Johnson Parkway* to Maryland Avenue, westerly along Maryland Avenue to Edgerton Street, southerly along Edgerton Street to *East* Cook Avenue, westerly along *East* Cook Avenue to DeSoto Street, southerly along DeSoto Street to Case Avenue, westerly along Case Avenue and its extension to Interstate Highway 35E, southerly along Interstate Highway 35E to the *east-west* Burlington Northern railroad tracks, westerly along the *east-west* Burlington Northern railroad tracks to Dale Street, southerly along Dale Street to Minnehaha Avenue, westerly along Minnehaha Avenue to Lexington Parkway, southerly along Lexington Parkway to Charles Avenue, westerly along Charles Avenue to Hamline Avenue, southerly along Hamline Avenue to Interstate Highway 94, westerly along Interstate Highway 94 to the western boundary of the city of St. Paul, northerly along the western boundary of the city of St. Paul to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 66 is divided into two house districts as follows:

(a) House district 66A consists of that portion of senate ~~portion~~ *district* 66 lying east of a line described as follows: commencing at the intersection of the northern boundary of the city of St. Paul with Grotto Street, southerly along Grotto Street to Arlington Avenue, westerly along Arlington Avenue to Lexignton Parkway, ~~southerly~~ *southeasterly* along Lexington Parkway to East Como Lake ~~Road~~ *Drive*, ~~southerly~~ *southeasterly* along East Como Lake ~~Road~~ *Drive* to ~~Victoria Street~~ *East Como Boulevard*, southerly along ~~Victoria Street~~ *East Como Boulevard* to the Burlington Northern railroad tracks, westerly along the Burlington Northern railroad tracks to Chatsworth Street, southerly along Chatsworth Street to Front Avenue, easterly along Front Avenue to Western Avenue, southerly along Western Avenue to the Southern boundary of senate district 66.

(b) House District 66B consists of that portion of senate

district 66 not included in house district 66A.

Sec. 68. 2.703 (SIXTY-SEVENTH DISTRICT.)

Subdivision 1. (SENATE DISTRICT.) Senate district 67 consists of that portion of Ramsey County consisting of that portion of the city of St. Paul located within an area described as follows: commencing at the intersection of the southern boundary of the city of St. Paul with eastern boundary of senate district 65, northerly and northwesterly along the eastern boundary of senate district 65 to the northern boundary of senate district 65, westerly along the northern boundary of senate district 65 to the eastern boundary of senate district 66, northerly and easterly along the eastern boundary of senate district 66 to Maryland Avenue, easterly along Maryland Avenue to Kennard Street, northerly along Kennard Street to Sherwood Avenue, easterly along Sherwood Avenue to White Bear Avenue, northerly along White Bear Avenue to the northern boundary of the city of St. Paul, easterly along the northern boundary of the city of St. Paul to the eastern boundary of the city of St. Paul, southerly along the eastern boundary of the city of St. Paul to the southern boundary of the city of St. Paul, westerly and northwesterly along the southern boundary of the city of St. Paul to the point of origin.

Subd. 2. (HOUSE DISTRICTS.) Senate district 67 is divided into two house districts as follows:

(a) House district 67A consists of that portion of senate district 67 lying north of a line described as follows: commencing at the intersection of the eastern boundary of senate district 67 with ~~Old Hudson Road~~ *Interstate Highway 94*, westerly along ~~Old Hudson Road~~ *Interstate Highway 94* to Ruth Street, northerly along Ruth Street to *East* Minnehaha Avenue, ~~easterly~~ *westerly* along Minnehaha Avenue to Frank Street, northerly along Frank Street to East Seventh Street, ~~easterly~~ *westerly* along East Seventh Street to Earl Street, northerly along Earl Street to the Burlington Northern railroad tracks, ~~easterly~~ *westerly* along the Burlington Northern railroad tracks to the ~~eastern~~ *western* boundary of senate district

67.

(b) House district 67B consists of that portion of senate district 67 not included in house district 67A.

Sec. 69. (2.713) (CONTROLLING DESCRIPTION.)

If a territory in this state is not named in sections 2 to 68, but (1) lies within the boundaries of a legislative district, or (2) lies between the boundaries of two or more legislative districts, for the purposes of sections 2 to 68, the territory referred to in clause (1) is a part of the legislative district within which it lies, and the territory referred to in clause (2) is a part of the contiguous legislative district having the smallest population.

If a territory in this state is within the boundaries of two or more legislative districts, for the purposes of sections 2 to 68, the territory is a part of the contiguous legislative district having the smallest population.

Sec. ~~69~~. *70.* (REPEALER.)

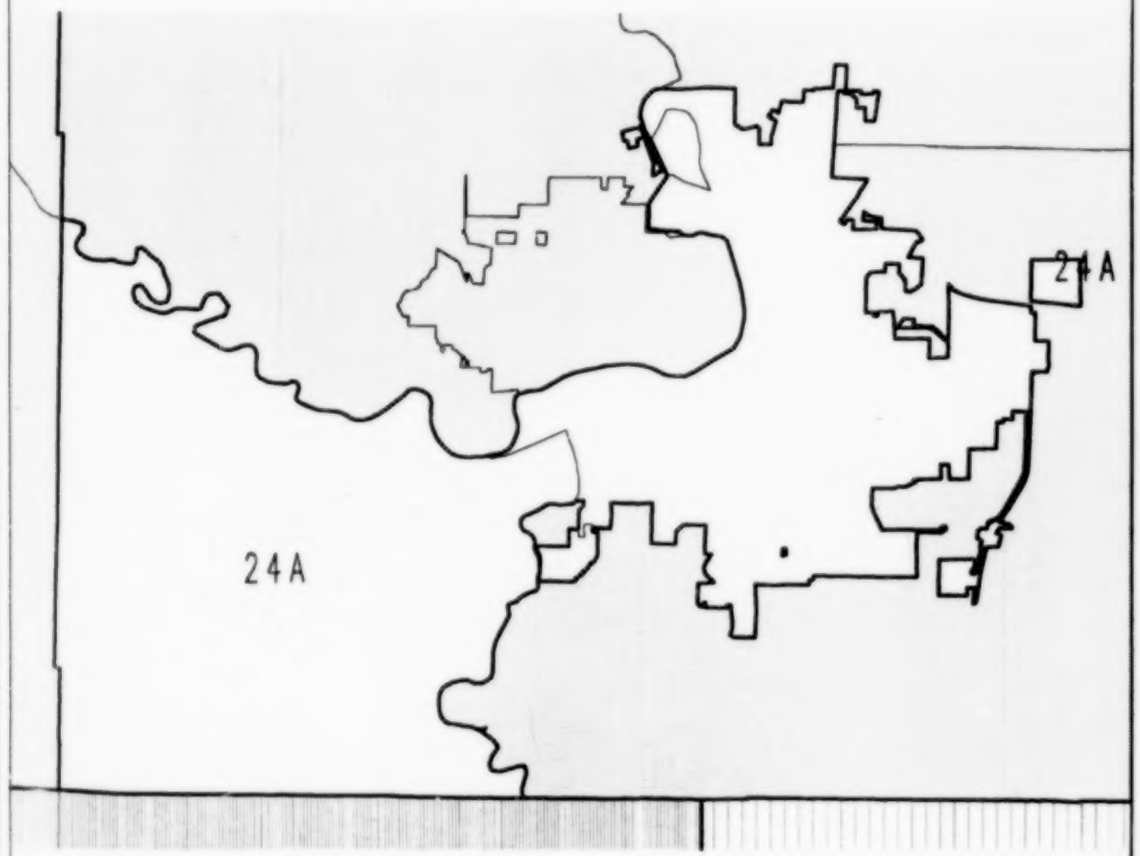
Minnesota Statutes 1990, sections 2.019; 2.042; 2.052; 2.062; 2.072; 2.082; 2.092; 2.102; 2.112; 2.122; 2.132; 2.142; 2.152; 2.162; 2.172; 2.182; 2.192; 2.202; 2.212; 2.222; 2.232; 2.242; 2.252; 2.262; 2.272; 2.282; 2.292; 2.302; 2.312; 2.322; 2.332; 2.342; 2.352; 2.362; 2.372; 2.382; 2.392; 2.402; 2.412; 2.422; 2.432; 2.442; 2.452; 2.462; 2.472; 2.482; 2.492; 2.502; 2.512; 2.522; 2.532; 2.542; 2.552; 2.562; 2.572; 2.582; 2.592; 2.602; 2.612; 2.622; 2.632; 2.642; 2.652; 2.662; 2.672; 2.682; 2.692; and 2.702, are repealed.

Sec. 2. (EFFECTIVE DATE.)

Section 1 is effective for the state primary election in 1992 and thereafter.

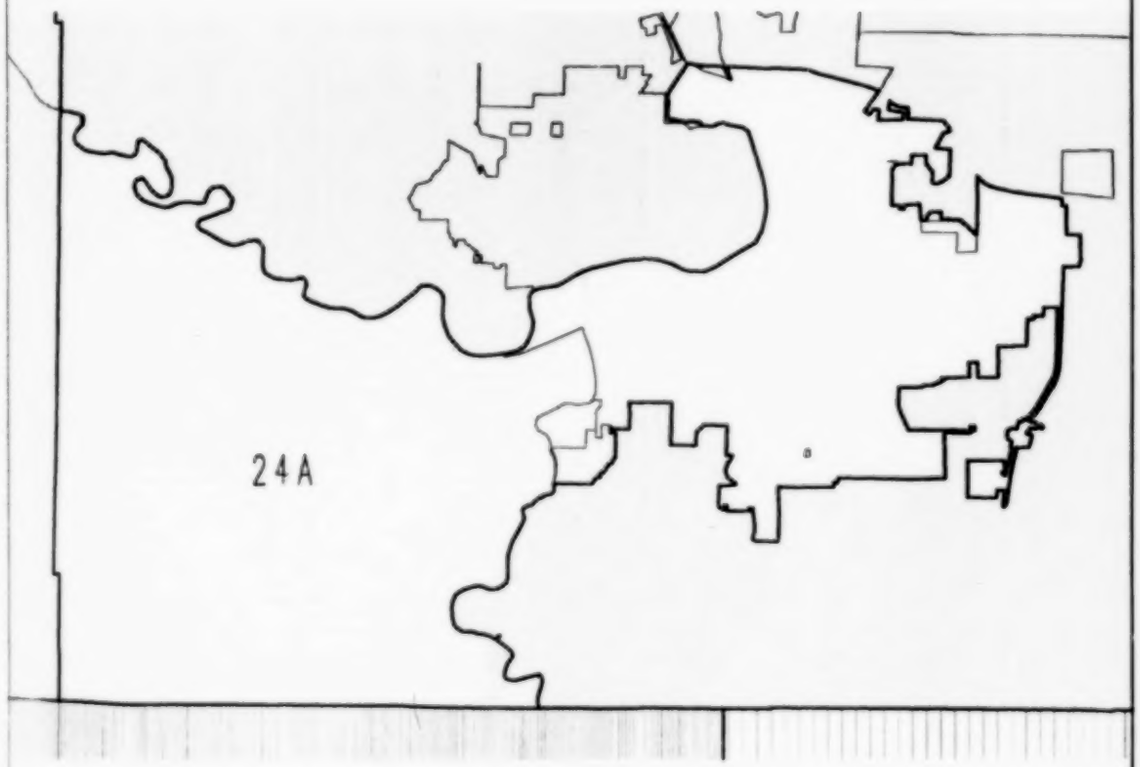
District 24A

Proposed Legislative Districts

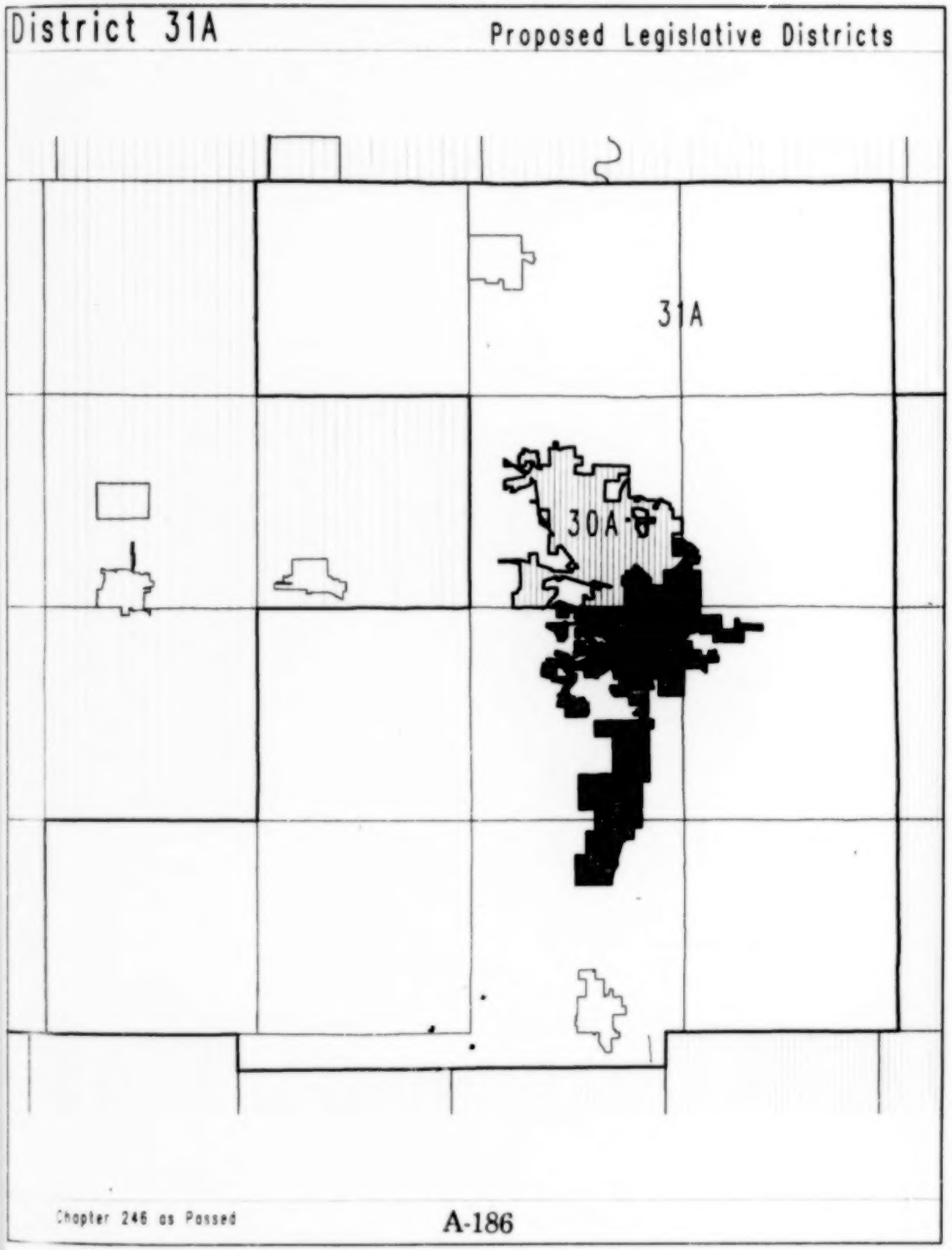


District 24A

Proposed Legislative Districts

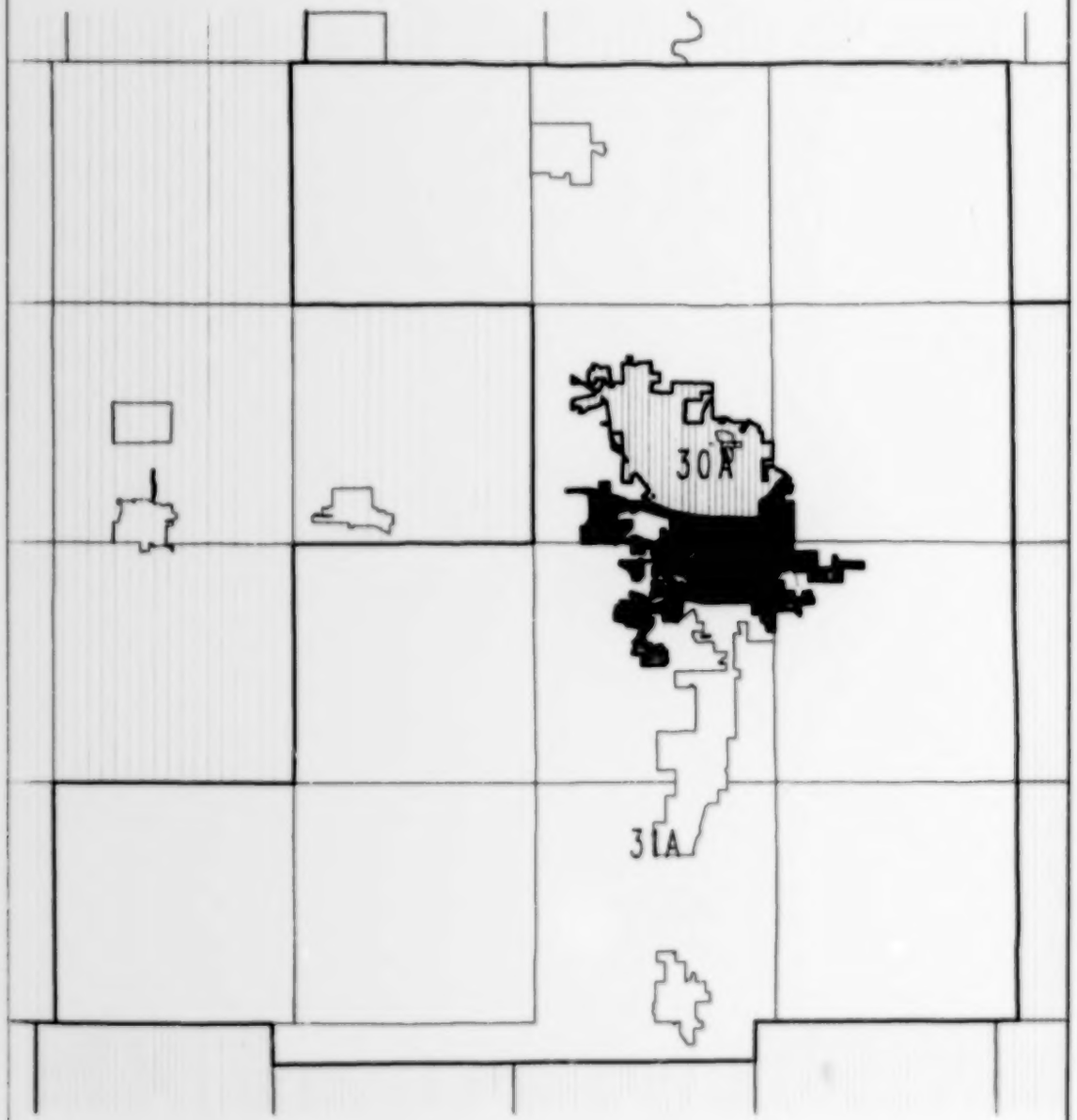


as Amended by the Legislature


District 31A
Proposed Legislative Districts
31A
30A

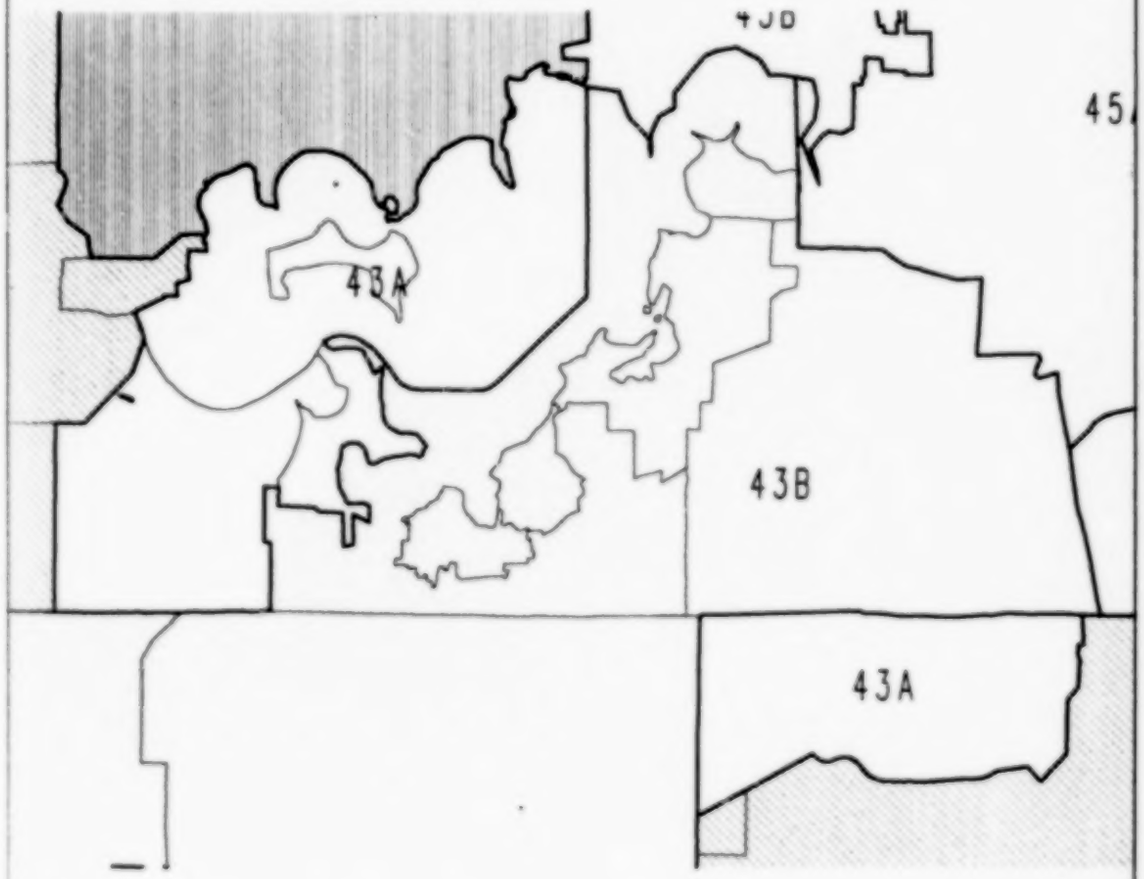
District 31A

Proposed Legislative Districts



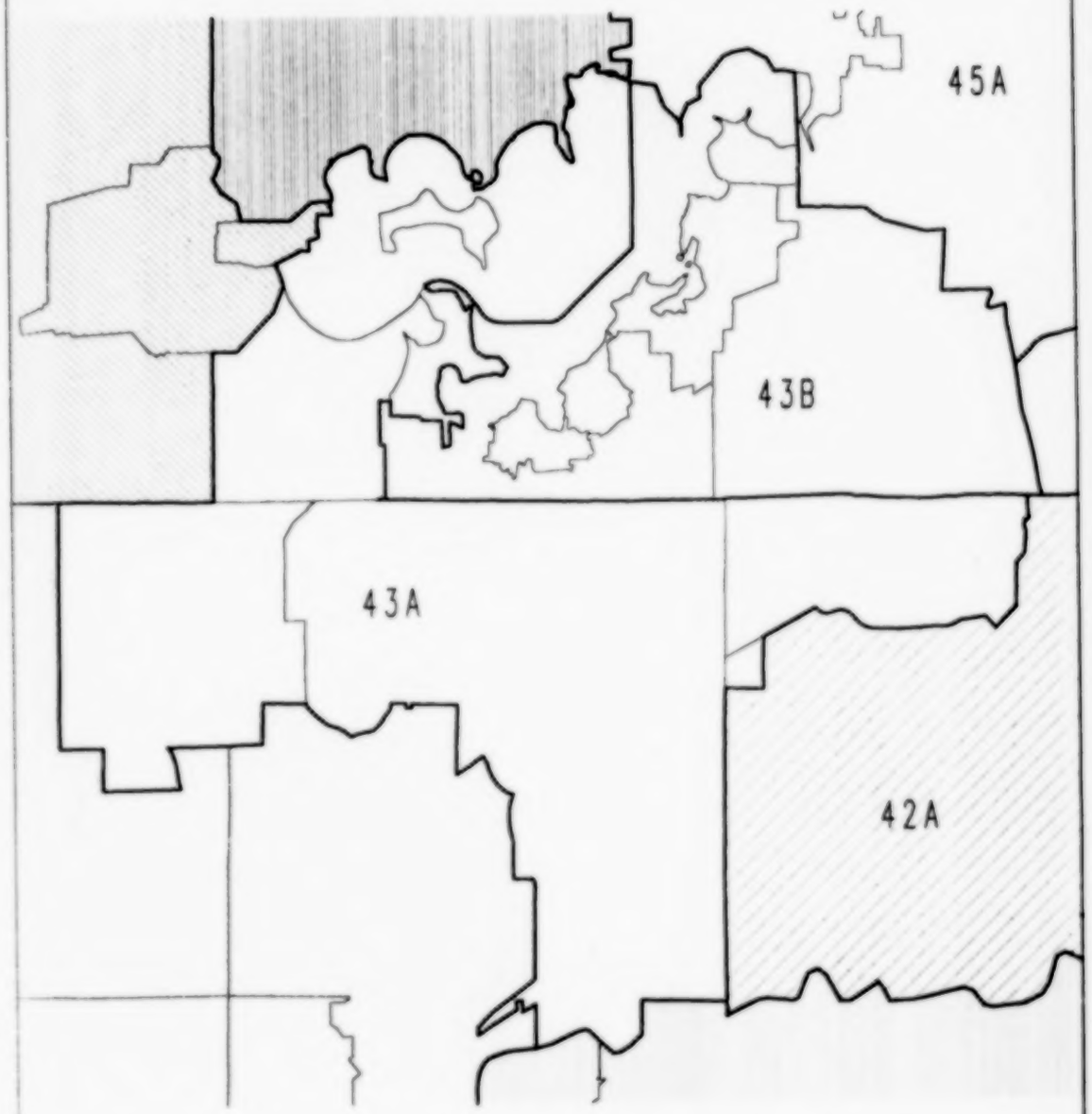
District 43A

Proposed Legislative Districts



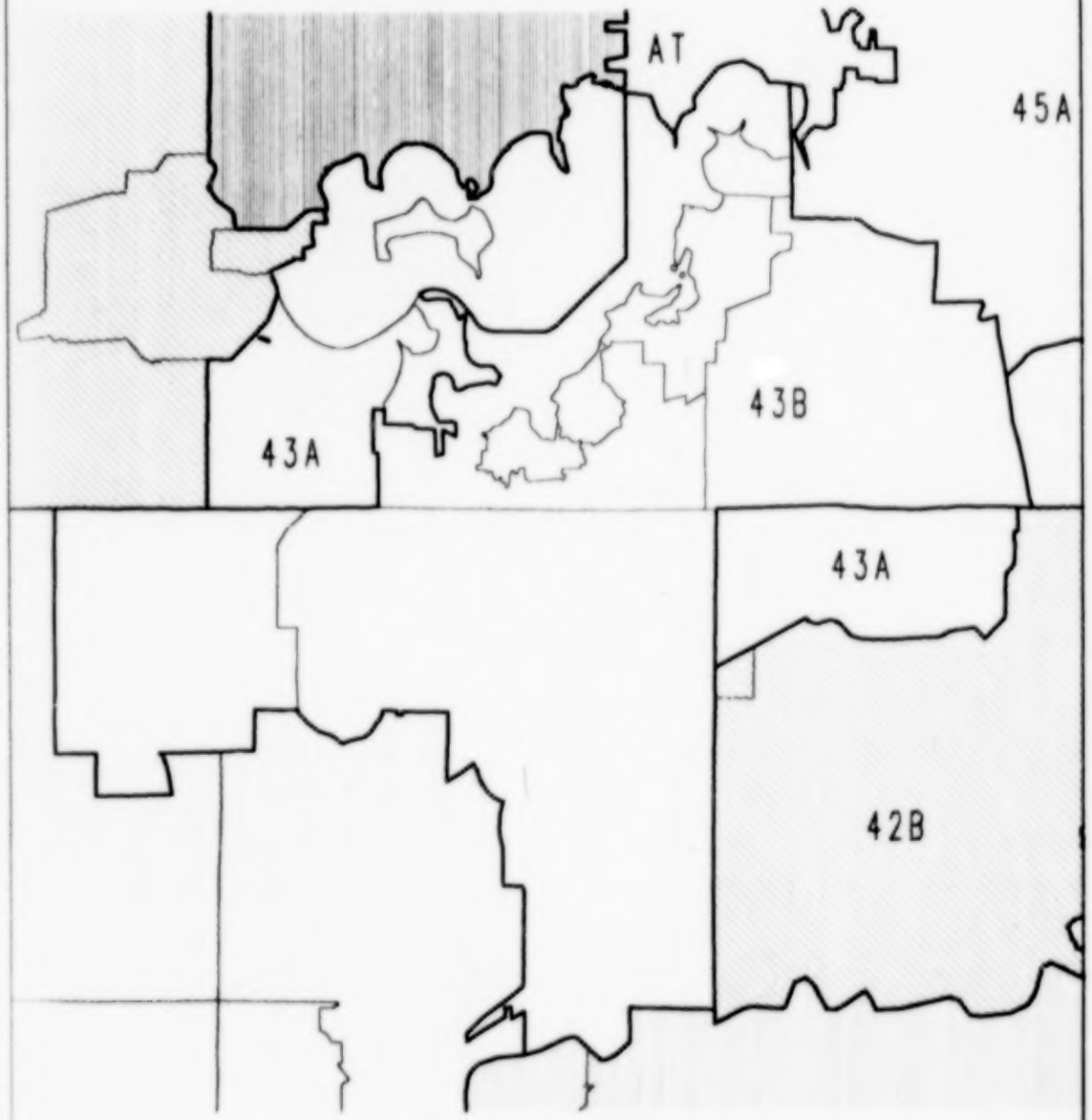
District 43A

Proposed Legislative Districts



District 43B

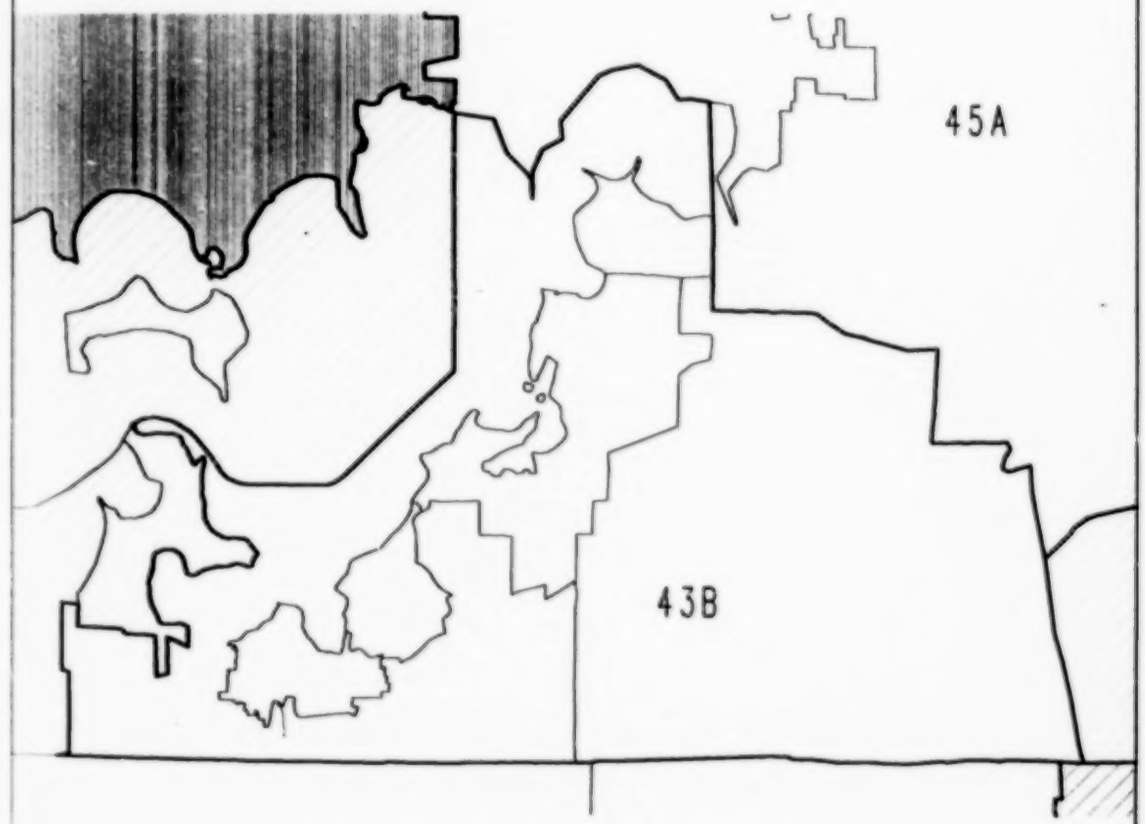
Proposed Legislative Districts



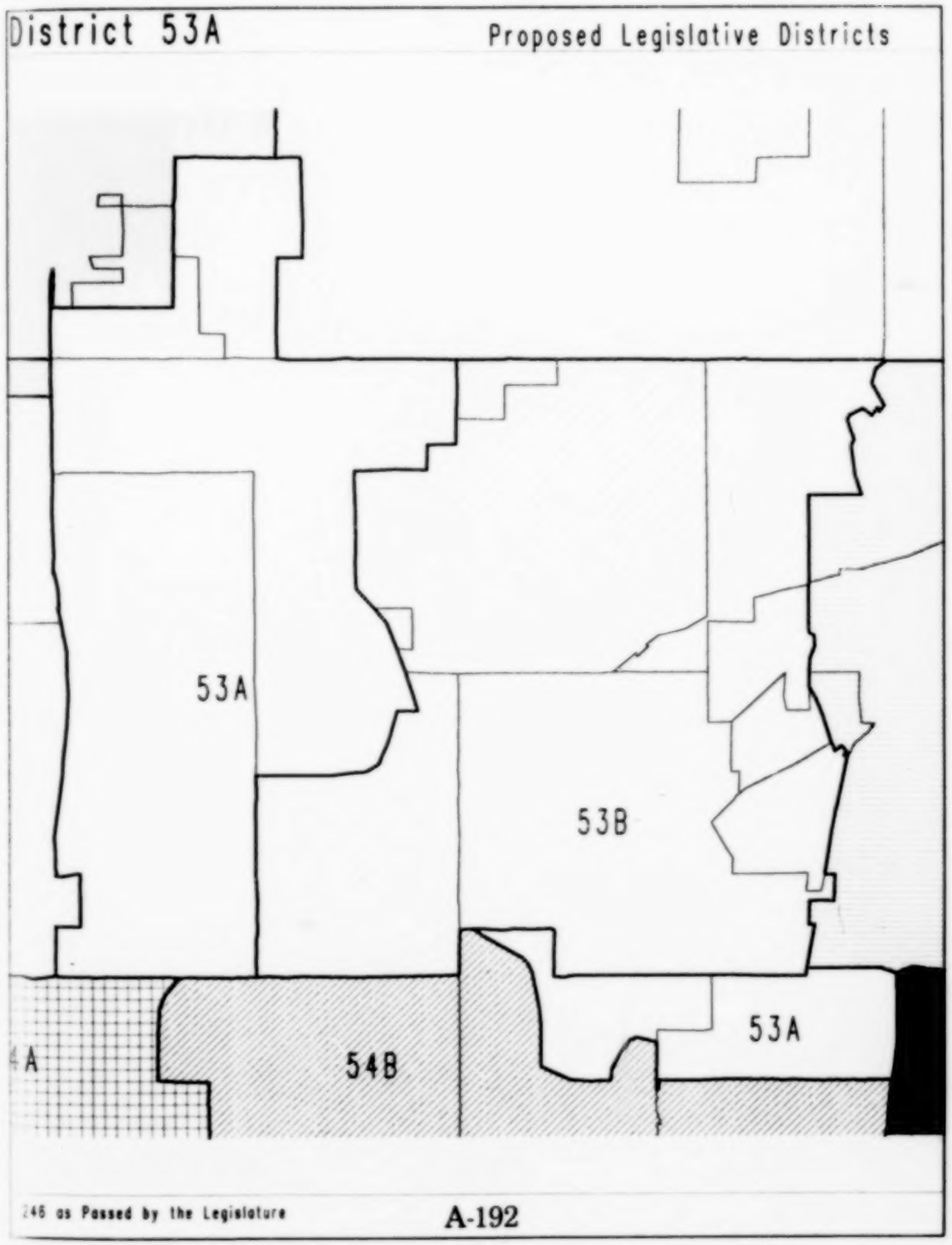
45 as Passed by the Legislature

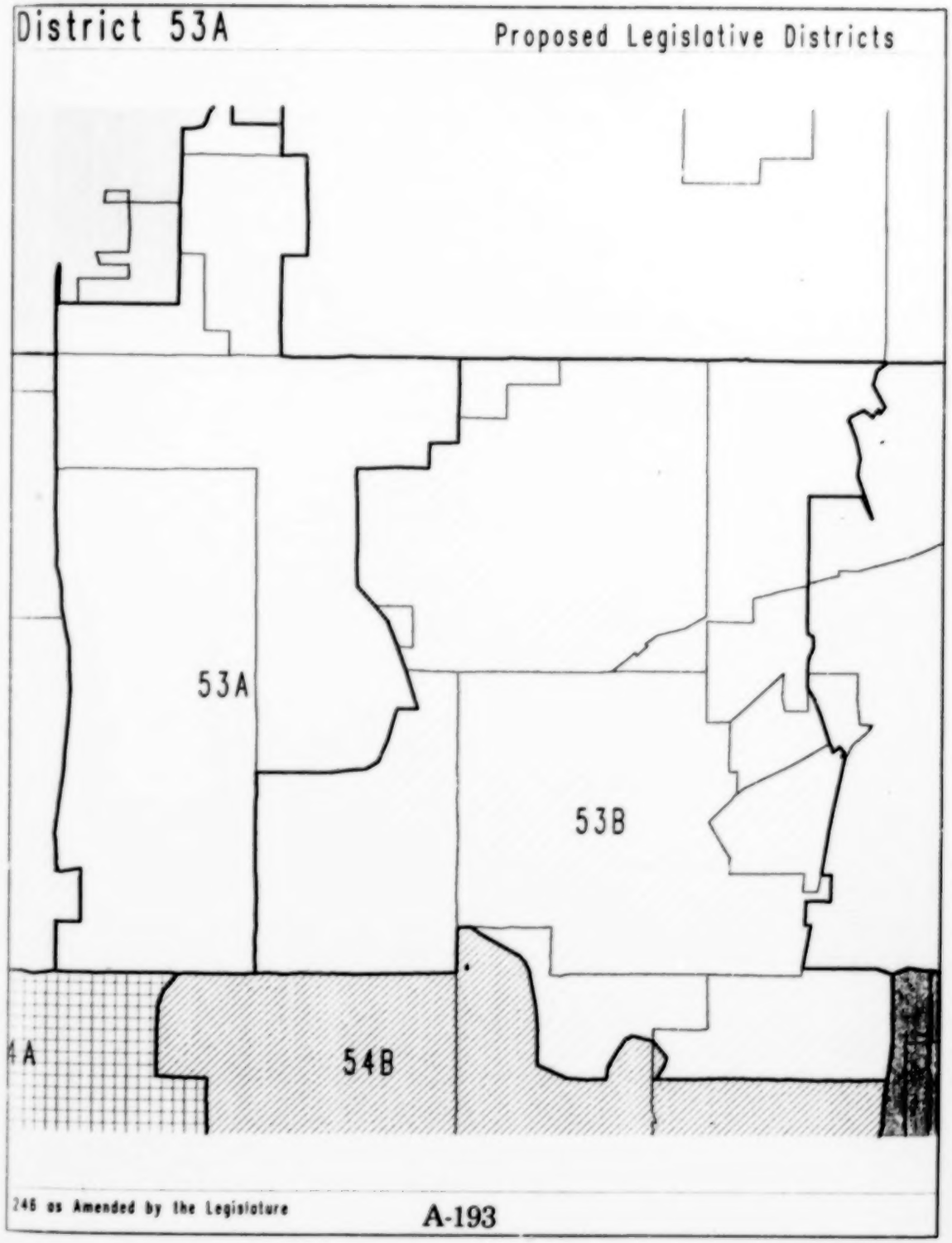
District 43B

Proposed Legislative Districts



245 as Amended by the Legislature


District 53A
Proposed Legislative Districts
53A
53B
54A
54B
53A


District 53A
Proposed Legislative Districts
53A
53B
4A
54B
246 as Amended by the Legislature

District Population Report

District	Total Pop	Abs Dev	% Dev
01A	32,161	-489	-1.50
01B	32,762	112	0.34
02A	32,059	-591	-1.81
02B	32,044	-606	-1.86
03A	31,939	-711	-2.18
03B	33,331	681	2.09
04A	32,312	-338	-1.04
04B	33,121	471	1.44
05A	32,804	154	0.47
05B	32,534	-116	-0.36
06A	32,622	-28	-0.09
06B	32,718	68	0.21
07A	32,092	-558	-1.71
07B	32,225	-425	-1.30
08A	33,193	543	1.66
08B	32,800	150	0.46

District	Total Pop	Abs Dev	% Dev
09A	32,295	-355	-1.09
09B	33,731	1,081	3.31
10A	33,047	397	1.22
10B	33,161	511	1.57
11A	33,249	599	1.83
11B	32,710	60	0.18
12A	33,030	380	1.16
12B	32,058	-592	-1.81
13A	32,397	-253	-0.77
13B	33,110	460	1.41
14A	33,088	438	1.34
14B	32,718	68	0.21
15A	32,614	-36	-0.11
15B	32,431	-219	-0.67
16A	33,067	417	1.28
16B	33,389	739	2.26
17A	33,220	570	1.75
17B	32,574	-76	-0.23
18A	32,300	-350	-1.07
18B	32,246	-404	-1.24
19A	33,041	391	1.20

District	Total Pop	Abs Dev	% Dev
19B	31,994	-656	-2.01
20A	32,987	337	1.03
20B	32,095	-555	-1.70
21A	32,970	320	0.98
21B	33,070	420	1.29
22A	32,411	-239	-0.73
22B	33,037	387	1.19
23A	33,035	385	1.18
23B	32,258	-392	-1.20
24A	33,264	614	1.88
24B	33,046	396	1.21
25A	32,653	3	0.01
25B	32,569	-81	-0.25
26A	32,544	-106	-0.32
26B	33,187	537	1.64
27A	33,060	410	1.26
27B	32,256	-394	-1.21
28A	33,289	639	1.96
28B	32,841	191	0.58
29A	33,178	528	1.62
29B	32,747	97	0.30
30A	37,091	4,441	13.60

District	Total Pop	Abs Dev	% Dev
30B	33,654	1,004	3.08
31A	26,830	-5,820	-17.83
31B	32,622	-28	-0.09
32A	32,545	-105	-0.32
32B	32,847	197	0.60
33A	32,930	280	0.86
33B	32,791	141	0.43
34A	20,365	-12,285	-37.63
34B	44,669	12,019	36.81
35A	32,939	289	0.89
35B	32,763	113	0.35
36A	32,349	-301	-0.92
36B	32,538	-112	-0.34
37A	32,226	-424	-1.30
37B	32,039	-611	-1.87
38A	32,203	-447	-1.37
38B	32,250	-400	-1.23
39A	32,327	-323	-0.99
39B	32,675	25	0.08
40A	32,218	-432	-1.32
40B	32,381	-269	-0.82

District	Total Pop	Abs Dev	% Dev
41A	32,026	-624	-1.91
41B	32,273	-377	-1.15
42A	32,333	-317	-0.97
42B	32,425	-225	-0.69
43A	17,925	-14,725	-45.10
43B	46,836	14,186	43.45
44A	32,445	-205	-0.63
44B	32,658	8	0.02
45A	29,349	-3,301	-10.11
45B	36,129	3,479	10.66
46A	32,111	-539	-1.65
46B	32,809	159	0.49
47A	37,160	4,510	13.81
47B	28,400	-4,250	-13.02
48A	33,014	364	1.11
48B	32,427	-223	-0.68
49A	32,153	-497	-1.52
49B	33,014	364	1.11
50A	32,477	-173	-0.53
50B	32,717	67	0.21
51A	33,350	700	2.14

District	Total Pop	Abs Dev	% Dev
51B	32,810	160	0.49
52A	32,648	-2	-0.01
52B	32,966	316	0.97
53A	36,484	3,834	11.74
53B	28,160	-4,490	-13.75
54A	32,232	-418	-1.28
54B	32,524	-126	-0.39
55A	33,329	679	2.08
55B	33,006	356	1.09
56A	32,411	-239	-0.73
56B	32,316	-334	-1.02
57A	32,438	-212	-0.65
57B	32,034	-616	-1.89
58A	32,333	-317	-0.97
58B	32,315	-335	-1.03
59A	32,699	49	0.15
59B	34,959	2,309	7.07
60A	32,482	-168	-0.51
60B	32,860	210	0.64
61A	30,684	-1,966	-6.02
61B	33,148	498	1.53

District	Total Pop	Abs Dev	% Dev
62A	32,470	-180	-0.55
62B	33,348	698	2.14
63A	32,405	-245	-0.75
63B	32,987	337	1.03
64A	32,412	-238	-0.73
64B	32,682	32	0.10
65A	32,689	39	0.12
65B	32,511	-139	-0.43
66A	32,350	-300	-0.92
66B	32,793	143	0.44
67A	32,904	254	0.78
67B	32,743	93	0.28

Plan Total 4,375,099

Mean Deviation is: 983
Mean Percent Deviation is: 3.01

Largest Positive Deviation is: 14,186 (+43.45%)
Largest Negative Deviation is: -14,725 (-45.10%)

Overall Range : 28,911 (88.55%)

Minnesota Legislature. I did not say that this plan had the NAACP's approval, my point was in raising the issue in the article that the three wards which are smaller than a legislative district overlap the legislative district that we have drawn as the best opportunity to elect blacks to the House and to the Senate. As I said before, I think this is the fact that we can do better for minorities and the fact that we do have an opportunity yet to revisit this issue in some sort of a bipartisan way, we can do a much better job for minorities in terms of increasing their chances of electing members, maybe even better than the amendment that is before us, but certainly better than the plan that we are proposing here this afternoon.

JEFFERSON: Madam Speaker and members, Representative Knickerbocker, the statment you just made is also somewhat in error, that the federal court has shown that if you cannot create a majority of a particular racial minority in a district, than that should no longer be a concern because you do then begin to impact this area and you limit the influence of that particular group and that is what you have done in this particular situation, you have limited the influence of the, in particular, black vote to one Senate seat instead of to the two Senate seats that the proposal that we have already passed, has, and that is a problem. Thank you.

SPEAKER: If I could interrupt the members for just a minute. I would like to make a request and then introduce a couple of guests that we have on the floor. The request is to please ask you to abide by the rules and not cross in front of members when they are speaking to the body. I would like to introduce two gentlemen who are visiting us from the Wisconsin Assembly today, our neighbors to the east of us and they are to the back of the chamber, Representative Peter Barka who represents the district in Kenosha, and Representative Richard Grabschmidt who represents the district in South Milwaukee. Welcome gentlemen.

KNICKERBOCKER: Madam Speaker, members, I'll quote Mr. Davis from the NAACP saying something to the

effect as part of the context of the article about the need for this commission in Minneapolis that is redrawing the wards to stay clear of packing or diluting the minority population in wards if it wants to avoid lawsuits: "The NAACP national office which has studied federal court cases gave the Minneapolis office rough rules of thumb that consider dilution as putting fewer than 40% minority members in a district and consider packing as putting more than 65 to 70% in it. This amendment doesn't pack and it doesn't dilute.

JACOBS: Thank you Madam Speaker. Representative Knickerbocker if you would please go to page 59 of the bill. I am a little familiar with the language that we have on page 59 inasmuch as it is my district. But I would like to point out to you on line 18 if you would. Representative Knickerbocker, it doesn't make much sense. We take 128th Avenue to 129th Avenue, the problem being these avenues are parallel and not perpendicular. Then we go west along 129th Avenue to 129th Lane. This street also is not parallel and not a perpendicular street. Then it goes on in the next language, according to my city engineer is rather confusing, but then when you go down to line 24, I'd like to point out to Pleasure Avenue southwesterly along Pleasure Avenue, the only problem being, Representative Knickerbocker, is we don't have a street in Coon Rapids called Pleasure Avenue. I don't know how we are going to resolve that. And now if there are other problems in this bill similar to the problems that I have in my district, I think the people that drafted this bill drafted it rather hurriedly or something - They did not do a good job in my particular area.

KNICKERBOCKER: Madam Speaker, I don't want to belabor the issue but I think Representative Jacobs missed a mistake on line 9, that should have been north. I think I have more than 156 more to go to catch up to where the court says the bill that was passed last session was unconstitutional.

SPEAKER: Any further discussion, if not we have the Knickerbocker amendment before us. A roll call has been

requested. The clerk will take the roll. The House is under call, members will please vote.

WELLE: Madam Speaker, I move that those not voting be excused from voting.

SPEAKER: Representative Welle moves that those not voting be excused from voting. Those in favor of that motion say aye, those opposed say nay. *MOTION PREVAILS* The clerk will close the roll. There being 58 ayes and 75 nays, the motion does not prevail and the amendment is not adopted. Is there any further discussion of the bill? There are no further amendments at the desk, the clerk will give the bill its third reading.

CLERK: Third reading, Senate File No. 1596.

SPEAKER: Third reading. Further discussion, Representative Knickerbocker.

KNICKERBOCKER: Madam Speaker, members, these comments are directed to the bill in front of us, not the amendment and I think we have to do a couple of different things in the time we have left this afternoon. We have to spend a little time talking about the bill and why it is deficient, but we also have to revisit the whole issue about the process that Representative Welle saw fit to bring up. And in order to do that we have to go back to the timetable of things as to redistricting and what was involved and the fact that we have started off on a bipartisan basis to the LCC setting up the sub-committee to do these things to prepare the Legislature for receipt of the census data and ultimately to do redistricting. That four member committee met, spent time in effect working with State Planning to redo maps to in effect make the maps as accurate as possible based on when we got the census data back so that one would overlay the other and you would be able to account for people. We bought hardware and software for each of the four caucuses. The premise that we were working on is that we would approach legislative redistricting on a bipartisan basis and in essence work the bugs out of the system that we had because we now had hardware and software, and after that had been done, in effect meet and attempt to pass and work out a legislative

redistricting and a congressional reapportionment bill. We would do that through the summer and the fall, hopefully we would hope back in the fall, the Governor would call us back for a one or a two day special session, whatever was necessary, sometime late in the fall, and we would take up legilative redistricting on a bipartisan basis, and congressional redistricting if at all possible at the same time. Or if the agreement was not at hand in October or November of the year, again that was something we could have taken up early in the session when we returned. Of course the normal legislative session. So we were working on this timetable, approaching this issue on a bipartisan basis. And I want to make it clear to all the members that we have approached congressional redistricting, attempting to draw new congressional district boundaries on a bipartisan basis. The same cannot be said for legislative redistricting, one the Democrats decided that they would pass a bill out at the end of the legislative session, even though they had incomplete information and incomplete process and the Minority was in no way in any position to participate or respond because of not having the technical capabilities, and I want to go to that issue a little bit. Because it has absolutely nothing to do with will or interest. The Independent Republicians did have and still do have the will to pass a bipartisan legislative redistricting bill. That's still our goal, to make sure the Legislature exercises its constitutional authority and does the job. And we have the will in the sense that we are willing to make the time, commitment, commitment of energy, to make that happen. And we had that during the course of the Legislative session, we would have had it during the course of the summer, if indeed the DFL were interested in doing legislative redistricting on a bipartisan basis. So we had a timetable, and the first thing that we needed to do after we had the hardware and software, was to hire staff to man the equipment and basically get the system up and running. Because we are all a little bit knowledgeable about computers, but most of us can't do what the system

can so and make full utilization of it. You need a real - someone with technical experience and ability. So on February 15, Representative Rodosovich and myself sent to Speaker Vanasek a memo asking for some sort of a timetable to hire technical staff for legislative redistricting. This was February 15th, and we were told by Larry Bothwell at that particular time, that the timetable for hiring a redistricting person would be the middle of May. So Representative Rodosovich and I sent a memo collectively to Speaker Vanasek saying that timetable was not acceptable, that was too late and that we suggested a new timetable for hiring technical staff people to do legislative redistricting and reapportionment. I can give you those dates...we were looking at April 1st for the position to be filled after it had been drafted as a job position and posted. On February 20th we were told that Todd Johnson had been slated for teh DFL staff for training on the computer and that the DFL will hire Dave Norgaard as their computer expert. And he was completing his master's degree in public administration at Stanford. At the end of February, we were given the deadlines and the dates that the operating training would be held by the hardware manufacturer for the computers. When the macro training would be held and that would be on March 8th and the art info information training on March 22th and 15th. And there is a certain amounts of costs that are incurred in this training program. They were allocated out over the four caucuses, and each of the four caucuses theoretically could send someone to each of these training seminars from the users, the hardward and software vendors. On February 25th in a conversation that our chief of staff had with Larry Bothwell who handles the personnel for the House of Representatives, I don't know the official title, but that is one of Larry's duties, the 2:25 conversation: "Larry persists that we do not need to hire our redistricting person until the middle of May." And we were talking at that particular point of necessity to hire someone sooner because of the fact these training sessions were coming up and it is really kind of necessary to try to

use the opportunity for whoever is going to be involved with the system to be trained on it from the vendors who are goind to supply the hardware and the software. So Mr. Bothwell says to our chief of staff that he would talk with the Speaker about the issue and get back to us. In conversation in the following two days, the end of February, Larry Bothwell confirms that Dave Norgaard is to be the redistricting person but he is working on his masters at Stanford and cannot return to Minnesota until the end of May. Bothwell's rationale for delaying the hiring and continuing to insist on the May 15th hire date is that since the DFL cannot get their person on line until the end of May, we, the IR's, will not be allowed to start a person until that time. Is that plain to everyone? On March 4th, a posting had been drafted and an ad would be run in the newspaper advertising the job. Interviews will be conducted - Madam Speaker, some of the members are saying they are having difficulty hearing - *SPEAKER:* If you wish to hold private conversations, would you please hold them outside of this chamber?

KNICKERBOCKER: Thank you Madam Speaker, I apologize for the length of the discussion here, but it's going on a little longer as long as everyone seems to feel they need a history lesson as to how things evolved and why we are to where we are today. So let me repeat where I left off. February 25, 1991, Mr. Bothwell confirms that Dave Norgaard is to be the redistricting person but he is working on his masters at Stanford and cannot return to Minnesota until the end of May. Mr. Bothwell's rationale for continuing to delay the hire and set May 15th as the hiring date is that the DFL cannot get their person on line until the end of May and we, the IR's would not be allowed to start a person until that time. March 4th, the posting has been drafted and an ad will run in the newspaper this week with the dead-line and so on and interviews will be conducted March 27th and April 5th. On April 5th the personnel committee of the IR House Caucus meets and hires a person or sends an offer to someone to come on staff at the end of May, relying on the May 15th starting

date as indicated by Mr. Bothwell. On the tenth of that month, Larry Bothwell approves our staff's hire and salary. He would not approve the starting date. Comments are since there was no hurry, we could lock in a starting date in the middle of May. We told him that we were making a notation on the calendar for May 15th as had been indicated in previous conversations. On 4-22 we were indicated, told that there was activity on the part of the DFL working on a redistricting plans and Dave Norgaard was seen in the building this week. Administrative Services records show that Dave Norgaard went on the payroll 4-2-91, almost two months before we were told that he would be on staff, thereby giving the reason for the May 15th hiring date, and although we could hire someone in terms of setting a salary schedule, we could not start someone until May 15th, and do you know what day May 15th was? That was the day we had the committee hearing on the redistricting bill. So let me go to the point that in no way did we have technical ability to use the informatin we even had at hand. Do you know how much we have spent on this thing? Probably about $900,000 on redistricting, when everything is completed and totaled in. A work station in one caucus was approximately $60,000 if you add in the wiring and the work station is about $46,376 by itself, another $13,000 for the software - totally we have spent about $425,000 for hardware and software, a plotter and image maker, basically to get the system up and running. Can you imagine that? You would spend $60,000 to give a caucus a machine - hardware and software and yet not hire someone to have the ability to turn it on and to use it to try to analyze census data, analyze plans? The point is in this particular issue, members, we were told we couldn't hire the staff in an early and timely manner to have the ability to use the machines that the state had already paid for and to use the machines that the state had already paid for and to use the information that those machines could generate in the way of analyzing plans. So it wasn't that we wern't interested or not willing or didn't have the will. Remember

we didn't see a plan from the DFL until the day we voted on the bill, the night - two hours before we voted on the bill. We'd invested a tremendous amount of money in the system, probably $900,000 by the time we're done and we weren't going to use it. And not only that, the Majority continued to deny us the opportunity to bring on someone on an early hiring basis as they had done. So is there mistrust on this issue? Yes. Is there some questioning of motives on this issue in the way in which the matter was handled. Yes, but it is with good cause. I'll let you folks make up your own minds as to why things are done and how they evolve. But there is a little bit more history that has to be laid out in terms of this particular bill. We had a hearing on May 15th, we got the bill and two maps and we voted on it that night. We had no opportunity to analyze it other than look at the bill and try to figure out maybe what some of this implications are. The bill was quickly passed out of the legislature that week even though you were warned that it was with error, that it had deficiencies in it, that all of the i's hadn't been dotted, the t's hadn't been cross and there were black holes where you couldn't account for population. There were problems with the legal description, there were a host of things we were not ready as a system to do what was do. Somebody, somebody made a decision to do this, but a funny thing happened along the way. I really believed that this was strategy, a legal strategy that someone had thought about, some staffer or whatever and had recommended that let's pass a bill out of here even though we know it's imperfect, even though we know it doesn't work, even though we know the governor's going to veto it and this will be our starting point. This will be something we can basically go from and I think there are possibilities here that maybe at one point the Democrats were hoping that this is something that maybe the courts would pick up on or could work on through the course of the summer because the governor to veto the bill and I'll bet there are members sitting here that were told, ah, come on vote for this thing, let's get it out of here. I know you are not happy with your district. I

know it does certain things that you don't like but we will fix it. This bill is not going anywhere, the Republicans aren't going to vote for it, the governor's going to veto it, it will be different. Just help us out. Well, suprise you got what you voted for and now you are stuck with those districts. You can't really wiggle out from that and still make all kinds of other kind of claims as to whether or not this is housekeeping or whether this is a different kind of approach to solving the problem or its fair, you're stuck. Because the governor's veto was not upheld, you are stuck from a legal standpoint of trying to defend this bill and the lines that are in effect your legislative districts. Your only hope of making any changes is that there is some sort of legislative bi-partisan working out of a legislative redistricting bill, short what any judges may do. What have we got before us today. This is a new bill, it makes changes in two thirds of the legislative districts in the State of Minnesota. This is no technical bill, it's a new way to solve many of the problems you were told about this the course of the discussion on the bill and since, have been brought to light by different individuals. It's a new bill, no matter what you call it. It's like wrapping up a Christmas package, put a new box in, new toys on the inside, but you use the wrapper it came in and rewrap it and say, na it's the same present, that's this bill. This is a new bill, this is a new way to try to redistrict based on the promises and the mistakes and the unconstitutional problems that you created for yourselves by hurriedly kicking a bill out in the last days of the legislative session. I want to dispel any myth that 246 wasn't unconstitutional. The state court panel where you had hoped to get a rubber stamp for the unconstitutional bill ultimately led to the conclusion and had to make the statement that because of the non-contiguous districts, Minnesota present redistricting law, the 246 which was passed last year, was unconstitutional and they also concluded that it was invalid under the United States Constitution. Rep. Rodosovich in defending this bill, and I quote in the Worthington newspaper, said "this bill will meet any

constitutional test." The state court where you hoped to get a rubber stamp ultimately was even forced to come to the obvious conclusion that the bill was unconstitutional. It had many deficiencies and therefore could not become law. We have no law on redistricting legislative districts. The state court found that there were 160 errors in the bill as passed that needed a remedy. You know, it's hard enough around here to make good decisions as members when we have all the facts, so it just amazes me that why anyone would try to push and rush to a decision something that we have incomplete information about and incomplete access to the technical ability and the capabilities of analyzing your actions before it's all available is beyond me. Like I say, it's tough enough to make good decisions when everybody has all the information, let along not. So we had this hearing on this unconstitutional bill, it was passed out of committee and we asked, as a caucus, for a tape of that particular bill so we could analyze it and we have never gotten a tape of the bill that was passed out of committee on May 15th. We received a tape of corrections from the attorneys involved in the case much later and to the best of my knowledge we have no tape that reflects the changes so that we can analyze the plan that's before us today. The subsequent changes that have been offered in the way of the bill. Members, there have been no negotiations between the Republicans and the Democrats on legislative redistricting. But it has not been because the Republicans have been willing or had the will or the interest or the commitment. Those have been there. The problem was that the Democrats found themselves in a situation of having to uphold a bill that they probably didn't want, but didn't end up being vetoed and they had to play the cards they were dealt, so they decided they would ride that horse through the judicial system in the state court and rely on the state court to uphold what had been done. But an interesting thing has happened. Even though our legislative leadership has written letters to the DFL leadership, other inquiries have been made and contacts have been made. Is there any interest in doing

legislative redistricting? No. The Federal District Court was not happy with the way in which the state court was handling the matter and basically, I have the order in front of me and maybe we will come to that a little later on in the discussion this afternoon. They basically said the state courts action was not only premature, but in affect, had a chilling affect on what the legislature might do and the state court was basically enjoined from substituting its judgments for the legislative action. The federal court wanted to give and I think made it clear in its order, sustaining the state court from doing anything further with this issue, but they were going to take jurisdiction over the matter and that they were going to give the legislature, that's us, an opportunity to address the issue and we've got a very narrow window of time to address the issue. We're back in session this week and next week and maybe the following week and that will be it. But obviously what is going to happen here today that this DFL sponsored bill is going to pass, it will go to the governor's office. The governor will find faults in the bill and veto it accordingly. We have no law, you can't hold, there will be no elections under the bill that is passed out of here today. We have no law in place because the previous one that was passed is unconstitutional. We have a very narrow window of time that collectively Republicans and Democrats could do something in the legislative process to try to arrive at a bi-partisan bill and that has to be done within the next two to three weeks, otherwise that opportunity will be lost to us. The federal court will issue their own plan and many of you may not be happy with the results. It may be much different than anything you have ever anticipated, anything you have ever anticipated in the way of a plan proposed by any Republican or Democrat. Are you willing to take that chance? And I guess that's a question that the DFL, and the majority have to answer. You just search for what you need to do on this particular bill. Are you willing to take the chance on what the federal court might decide or are you willing to try to use the opportunity the federal court has given all of us collect-

ively, saying legislature you work this out. We have assumed jurisdiction and we will promulgate a plan if you don't act. Now passing a bill out of here that has no Republican support and is vetoed by the governor is not acting. Madame Speaker, I would like to say a couple of things about the bill. I think I have laid enough groundwork as it relates to the history and to the process to move on to a few things that I think need to be said about the bill itself. Initially, I want to re-emphasize the fact that this is a new bill. It makes changes in over two thirds of the legislative districts in the state based on what was passed in 246 in the last legislative session. The bill has larger deviations than are necessary. It has more counties that are split than are necessary. One of the things that this bill does is not treat Republicans fairly or not treat areas of the state that have either gained or lost population fairly. This bill matches up more than 40% of the IR women who are legislators in the House, it has 13 pairings in it, 5 of which are Republican against Republican, 4 are DFL against DFL, which include 3 retirees as I understand it and then we've got three matchups with DFLers and IRs, but a strange thing happened, the IRs are in the DFLers old territory and one DFL, IR matchup that maybe could be considered a legitimate contest. So what's the effect of that. Well, the effect of the matchups that are under the bill, remembering that we have 56, 57 members now, would be the IRs would lose 8 incumbents, the Democrats 4, one in question. You may say that's fair, I guest that's a judgment the members will have to make. That's the political side of things. But more over to where those matchups occur and that creates a problem in the logic that's resolved. You know, we've got one IR pairing that unusual, now again that based on the way the law was drafted at the end of the last legislative session and at that time you had Weaver and Schreiber together. Gee, Schreiber district has grown 20, 948 people and Weaver's was 7,803 above the magic number of 32,650 and they were paired. Hansen and McPherson are paired, Rep. Hansen's district has gone up 14,568 people, Rep.

McPherson's has increased in population by 2,371 and then going along that northern tier of suburbs there in Anoka, Ramsey, Rep. Runbeck and Krinkie are together, now these are IR matchups again, Rep. Runbeck's district has increased by 10,558 population. Rep. Krinkie's increased by 8,528 in population, to continue on, with the matchup of Reps. Lynch and Heir again another IR, IR matchup. Rep. Lynch's district had increased 12,382 in population, Rep. Heir's district had increased 9,439. Rep. Hartle and Sviggum were paired up, Rep. Sviggum district changed not more than 56 people in terms of growth. It was really interesting where these matchups occurred. Where you put Republicans against Republicans basically or where you created the matchups, there were all these growth areas as they are across the northern part of the metropolitan area as it came over from Ramsey, Anoka and Washington. That isn't where the population loss occurred. As I said earlier, this is one of the problems you have with this bill. You don't create the districts so that where the population losses occurred, the representation loss also occurred. The average IR district in the last 10 years grew 8.3% to 35,368. The average DFL district over the last 10 years lost 5.8% population to a total of 30,745. Some of those figures are in conflict with what you have drawn in maps and what you have drawn in the way legislative districts for Republicans. As I told you earlier, if you don't make the areas that lose the representation lose the population, you create a big ripple effect. If you drew that line across northern Minnesota, where there had been substantial population loss, you should have 16 House seats. Under the DFL plan you've got 18. Northern Minnesota continues to be over-represented by 2 House members and a senator. What happens is, because you don't recognize those losses in the area that took the loss, you run all those fingers down, the folks in central Minnesota end up losing legislators or losing territory, not because they lost population percentage wise as much as the folks above them, but because you'll continue to let ripple down and ripple down and ripple down and the

same thing is true along the border and the southwest corner of the state. As I said, you ripple the population loss so that you didn't have to match up the incumbents in the districts that lost the population in the southwest corner all the way up to Montevideo and all the way over to Mankato. In the metropolitan districts, if you want to look at the metropolitan area as a whole, based on the amount of population, there should be 70 districts within the 7 county metropolitan area and 64 outside of it, one district should straddle the line; split the population. Under the DFL plan you have 65 districts within the 7 county metropolitan area and the other 5 have fingers that run outside of the 7 county metropolitan area. The IR plan, the amendment that you voted down would have had 69, closer reflecting the population split between the metropolitan area and outside Minnesota. Now maybe that's not so important to you members here, but those are kinds of issues that judges are going to look it and they are going to look to see, was this a fair plan as in terms of how it treated the minority. Did the minority have any input, was the minority given opportunities in a meaningful way to have impact on what was decided and when it was decided and whether or not the districts that are drawn reflect accurately what's happened in the shift in the state's population in the last ten years. You voted against an amendment which would have recognized all of those concerns when you didn't support my amendment. You are going to have to think about the jeopardy that you are placing yourselves and the legislative districts you hope to have under this bill in, because there are a number of significant deficiencies in this particular bill that judges are going to be interested in seeing. Is there a better way to address the problem, is there a better way to drawn legislative districts that are fair, more accurately reflect where the population shifts have occurred. I think for those reasons members, you ought to vote against this particular bill. I would ask a no vote at this particular time and if indeed, there is the opportunity to speak again on this issue I would like to do Madame Speaker.

OLSEN: Thank you Madam Speaker. Madam Speaker and members, I too am a member of the redistricting committee and I believe that Rep. Knickerbocker has set forth many things that relate to negotiations and the process. I would like to talk to a little bit about my view of what happened in the committee process. We began with a meeting on January 15 at which time the minutes relfect, according to the chairman that each member would be assigned certain areas of responsibility. I can tell you that as a member of that committee I was not assigned specific responsibilities, although I eagerly awaited those responsibilities. Rep. Knickerbocker was not the one at that particular moment who was assigning responsibility to Republican members. We met again on Tuesday, January 29 and heard from the state demographers and others about redistricting matters. Our third through out eighth meetings took place from February 19 through March there were meetings around the state, in Rochester, Duluth, Willmar, Stearns County Courthouse in St. Cloud, there were meetings here in the Twin Cities as well to hear from individuals as to what it was they felt ought to be part of the redistricting bill. Then as we got to meeting number nine which was on March 19, we begin considering standards for redistricting which were passed by the House and Senate as concurrent resolutions. On March 20th, we looked at a bill that related to elections and redistricting goals and deadlines. Then on April 9th, we begin hearing a bill which I believe was Rep. Knickerbocker's that considered whether or not we ought to be doing something that related to county and city redistricting plans. We considered that on April 9th, we considered it again on April 12th, we further considered it on April 19th, we considered it on April 23rd, and that brought us to the infamous date of May 15th. All of a sudden on May 15th, we had H.F. 1699, which later became H.F. 246. We had a little difficulty with approving the minutes of that meeting in our committee because several of us from both sides of the aisle recall that roll call votes were taken on H.F. 1699. They are not relfected in

the minutes, but interestingly enough there is no tape, there is no recording of that meeting, so we cannot go back and review the tape to find out, in fact, whether those of us who recollect that a role call was taken can verify it. We find that a very interesting situtation. Then, as you know, the legislature passed that bill and on June 6th, the chairman of the committee sent a notice to all members of the redistricting committee asking us about congressional and metropolitan council redistricting plans. He asked us to fill out a form to let him know whether or not, what the level of our interest was, and whether we wanted to be involved. On June 13th, I replied in a letter to the chairman that I wanted to assure him that I was vitally interested in the interim work during the summer of this committee on any and all redistricting plans, congressional legislative or Metropolitan Council plan. That I wished to be informed of meetings, and to participate fully as I believed all members of our caucus would and I also said that I felt that our causus wanted to be working on both the legislative and congressional redistricting during the summer of 1991. That letter was dated June 13th. On August 9th, I again wrote to the chair of the committee indicating that I had not had a response and two months had past and no committee meetings had been scheduled. I also pointed out to the chair that in pleadings filed in the redistricting cases by John French in the Federal District Court, he indicated in his pleadings that a redistricting committee had been scheduled to meet in September and I felt it was only fair that I was a member and our caucus members ought to have been informed of this committee schedule certainly at the same time, if not before, Mr. French knew about this. I felt it was unfortunate that I had to read the pleadings to find out about that future schedule. We then met on August 26 and at that time the chair brought forth some amendments that related to some technical corrections and we questioned the chair at that particular time at to whether the purpose of that meeting was to provide ammunition or information for the court cases and obviously the subsequent pleadings

and memos and memoranda that were filed in that court case proved our suspicions to be true. That particular bill was voted on and every member of our caucus, plus a member of the majority caucus voted against that bill that was provided for a technical correction bill. There then was a meeting September 12 and at that Sept. 12 meeting, the chair of the committee simply presented for the first time proposals, I'm sorry he presented those on August 26th, the DFL proposals for the congressional redistricting plan. On Sept. 12, Rep. Knickerbocker presented the House IR caucus congressional redistricting plans. On Oct. 30, we had an opportunity to vote on the proposed congressional redistricting bill and again our caucus voted against it. There were no Republican votes for that bill. On Dec. 16th, I sent a letter to the chair of the committee indicating to him that it was my understanding of a federal court order on Dec. 5th that the court had hoped that we would work together in the sense of compromise and cooperation to come forward with a bill. The chair responded to me on Dec. 20th, that he had reviewed the Federal court order and did not feel there were any guide lines or suggestions in that bill that we ought to be doing that and asked me if I would like to discuss the matter further with him. We then met on this past Tuesday, January 7th and passed the bill which is now before you. I think that his whole process has been a problem for us as Republicans. The federal court order on Dec. 5 said that the integrity of the legislative process must be protected. The history of excluding the Republicans from this process shows that in fact, the majority party has not protected the integrity of the process nor has it protected the rights of the minority in that process. Furthermore I believe that the citizens of this state ought to be outraged at the unfairness of the process. If you take the 56 Republican members of the House and multiply it times the number of people we represent I would suggest that nearly two million people in the state have been disenfranchised because their representatives have been excluded from this process. I believe that this

whole legislative redistricting matter, this whole process, has been an exercise in private policy making as opposed to public policy making. Instead of having a government that is "we the people", we have a government of "we the politicians" who are controlling this legislature. I urge you to vote against this plan.

(Introduction of former representatives)

BLATZ: Members I would just like to point out two flaws after goind through the plan myself. There are two things that concern me, one is more of a local nature. It deals with the issue of adequate representation of communities of interest, in this case Bloomington. The second issue is what the DFL plan does to women, independent Republican women. On the first issue, why I think the court frowns on city splitting and I think by and large we try not to split cities is because they are truly communities of interest. In my particular city we have things such as air ports, megamalls and transportation issues in particular that our people are concerned about. What the plan does is give us 6 legislators, yet out of the 6 legislators, only 1 has the district that is contained in the city of 86,000 people. What I term our sister city. Duluth, because we are similar in size, although our party preferences tend to be more Republican in Bloomington and DFL in Duluth. Duluth is approximately 80,000 people and out of their legislators they have 3 that will be representing Duluth as it should be, I think that's the correct thing to do. It does bother me that the way the plan will result if in fact the courts would adopt it that Bloomington, the third largest city in our state will have one legislator whose district is solely contained in the city. On the other score dealing with Republican women, the statistics that I have here that four of the 11 Republican women were matched up which is 38%. This is to be contrasted with the DFL women matchup which was 6% which I think is great that it is low. And the men, both parties, are matched up at the rate of 18%. It's one thing to talk about the need for diversity. We also have to create opportunity. And it does bother me that 38% of my Republican women colleagues have been

matched up and three out of four of those, or 75% of those districts, were districts that Representative Knickerbocker mentioned, increased at a greater rate than the statewide average. So really, truly, it was kind of creative artistry I think that came up with the result because usually you do matchups when there has been a loss of population and not an increase. So for those two reasons I am concerns about the bill as it is before us and I will not be supporting it.

DEMPSEY: Thank you Madam Speaker, members. I am going to make this short, but I think it is important. You know, make no mistake, this is a new bill. The bill that we passed out of here the other day was so bad that the attorney that was hired and paid for by tax money went into the state court and admitted that it was unconstitutional. Now let me tell you when something is that bad, it's hard to correct it. So this is not a correction. This is a new start because the old start was done so badly. Let me secondly say that it is too bad that the people who are so interested in the Knickerbocker amendment hadn't taken the same time to read the bill that was passed out of here before, you'd have found equally a high number of errors and you could have been as critical of Representative Rodosovich's bill as you were of Knickerbocker's bill. So I think it is very clear that what you have here is an attempt to try and say that this bill is somehow a correction. You can't correct that which doesn't exist. And what doesn't exist today is a bill in the state of Minnesota that redistricts us. It just doesn't exist because it is unconstitutional. The strong language of the state court in finding that it not only violated the state constitution but also the federal constitution I think ought to indicate to you how poorly drafted and how poorly conceived that bill really was. So I'd like to tell you at this point in time why should you vote against this bill? Because I think we're all better off if the legislature does its job and is doesn't leave this redistricting problem to the courts. Because as sure as I am standing here today after you pass this bill which you may very well do because you

have the numbers necessary to do it, we still are not going to have a redistricting bill in the state of Minnesota. The Governor has looked as what you have put together and I think he is familiar enough with it and I think I am going to tell him along with most of my colleagues that he ought to veto it. Maybe we ought to get this debate done quick enough so we can have that veto on the 6 p.m. news because that's about how long it is going to take him to find out that this bill is flawed.

SPEAKER: Representative Abrams.

ABRAMS: Thank you Madam Speaker. I am not going to repeat what Representatives Knickerbocker, Olsen, Blatz and Dempsey said, but I am suprised that we are going to be here today to take a meaningful vote on redistricting. And the reason that I say that is that the DFL machine has done everything in its power to make this vote today meaningless. The Legislature, the Majority party of the Legislature, hired a chap by the name of John French, supposedly to represent legislative interests in redistricting. And while he was telling the federal district panel to defer to legislative action, he was standing before the state court panel less than a week later saying that they should act now. Correct Chapter 246 and correct all the flaws. Argued opposite positions to opposite panels and it was only because of the genius of our system, the genius of a federal system and separation of powers that a federal court, protecting federally guaranteed constitutional rights, stepped in and said, this isn't right. The courts are supposed to defer to the Legislature, that's what the Germano case is all about, state and federal courts are supposed to defer to the legislative process. And the legislative process is not just what the House and the Senate does, it's what the Governor does. if we are talking about legislative intent, as Mr. Rodosovich did prior, legislative intent is that the Governor meant to veto this bill. Now we didn't have a district census unit report back in May. I asked you. Mr. Rosodovich, at the committee hearing, to provide a city split report. I didn't get it until August on the corrections bill. We asked you for a copy of a

magnetic tape that would have a copy of Chapter 246 on it, we didn't get it until August. But there is one piece of evidence, or two pieces of evidence, that we have, Mr. Rosodovich and other members. And that's the district population summaries that were passed out on the House and Senate floor by Representative Rosodovich and Senator Pogemiller, as well as the text of Chapter 246. And the difference between Chapter 246 and this bill here today members is that there are population changes in 63 of 134 House districts and 25 of 67 Senate Districts. There are geography changes in 87 of 134 House Districts and 40 of 67 Senate Districts. Now I have heard in talking with a number of people on both sides of the aisle that, well and 40 of 67 Senate Districts an the bill was changed in 99 of 134 House Districts and 45 of 67 Senate Districts.

Now I have heard in talking with a number of people on both sides of the aisle that, well what the federal panel is going to do is simply take the corrections bill, take what would happen back in May, take what the State Court panel does and do something pretty close to it. Well let me tell you, members, that very well may happen, but there is precedence to the other side, strong precedence from the United States Supreme Court. One of the cases that we discussed in Rep. Rosodovich's committee, a case called Karcher. It was a congressional redistricting case that went up to the Supreme Court and stands fo the proposition that absent the compelling state interest to the contrary, congressional districts must be of nearly equal population as practicable. But that doesn't tell the whole story. The whole story is that case went back down to a 3 judge federal panel and let me read from the decision of the United States Supreme Court. In Karcher v. Daggett we held that the reapportionment plan which had been adopted by New Jersey after the 1980 census was unconstitutional. On remand, the 3 parties by stipulation asked the 3 judge District Court to select which of a number of proposed redistricting plans should be employed in place of the plan which had been adjudicated unconstitutional. Sound familiar so far. The district court

rejected the "Senate Plan" and selected the "Forsythe Plan." The District Court chose the Forsythe Plan because it achieved lower population deviations and more compact districts than the Senate plan. The appellants claimed that the District Court was obliged to accept the Senate plan because it most closely conformed to the Senate's original plan while eliminating unconstitutional population variances. Sound familiar?

They have accordingly filed an application for a stay of the District Court's Order as well as an appeal since there currently is no apportionment plan in effect in New Jersey and elections are imminent, what appellants are really seeking is an injunction from this court ordering use of the Senate plan pending disposition of the appeal. Once a constitutional violation has been found, a District Court has broad discretion to fashion an appropriate remedy citing cases. I do not believe that there is sufficient likelihood that the District Court abused that discretion by selecting the Forsythe Plan to justify the relief appellants seek. Because the Forsythe Plan contained lower population variances, it more completely redressed the constitutional violation.

What I am saying in English, members, and to translate that, is that it very well may happen that the three judge federal panel may take 246 and just clean it up and pass it out. That's what you have probably been told by your lawyers, that's what you have probably been told by your leadership. What I am telling you is that there is ample authority from the Supreme Court on a six to three decision for the Federal Court to exercise broad discretion about what it does and look at things like deviations of population, treatment of women and all the other issues that we have brought forward today to show that this is a blatantly unfair plan. We are in what I would consider to be a very difficult legislative session and there is going to be very difficult times ahead of us. One of the books that I read as a child in grade school which greatly impressed me and that I recently went back to because of some of the stories that are contained in it is a book written by John F.

Kennedy called *Profiles In Courage*. And one of the stories that President Kennedy talks about is that of Senator Edmund G. Ross and a group of six other radical Republicans during reconstruction that voted against the conviction of President Andrew Johnson as a matter of principle. One of the Senators who was involved was Senator James W. Grimes of Iowa who was dying at the time and had to be carried into the Chamber literally on a stretcher. And he voted against his party. He did the right thing. He followed his conscience. And here is what President Kennedy wrote. And it's not only applicable to redistricting, but Madam Speaker, I would maintain that it is important to a very large amount of what we are going to be doing. "I shall ever thank God that in that troubled hour of trial when many privately confessed that they had sacrificed their judgment and their conscience at the behest of party newspapers and party hate, I had the courage to be true to my oath and my conscience. Perhaps I did wrong not to commit perjury by order of a party but I cannot see it that way. I became a judge acting on my own responsibility and accountability only accountable to my own conscience and my Maker and not power could force me to decide on such a case contrary to my convictions whether that party was composed of my friends or my enemies." Members, the vote we are about to take is an important vote. Maybe it deals with the redistricting issue, but there are going to be other very important votes that we are going to be taking later this year in which I hope that we are able to put our party affiliation aside and do the right thing for the state of Minnesota. But I must tell you that a large number of people on your side of the aisle have come to me and told me that the procedures used in the redistricting committee were unfair and unjust to the minority. That the procedures being used here, and that this bill is an unfair bill. All I can do is plead with you and beseech you to vote no and also tell you that we do have a window of opportunity because the Federal Court will not be conducting another hearing until February 4. And if Representative Dempsey is correct that the

Governor is going to send that bill back to us and we will sustain that veto, make no mistake about it, we will sustain that veto, we still will have three weeks to sit down and work out a compromise. And Representative Welle, if you think that Republicans are lazy and uncooperative and unwilling to work, let me assure you that if instead of rejecting our offers to negotiate or putting off our offers to negotiate or saying anything else, when this veto comes back and if it's upheld, we are willing to sit down with you the next day in order to pass a fair bipartisan redistricting plan for all the people of Minnesota.

SPEAKER: Representative Newinski.

NEWINSKI: Thank you Madam Speaker. I along with Representative Abrams want to thank the Speaker for allowing us to discuss this issue, to digest it, to maybe regurgitate it. In January of 1991 Representative Knickerbocker spoke to the IR Caucus and explained to us exactly what was going to take place with the redistricting, that we were going to work together, and with a timetable we were going to be set up where we'd be voting for a proposal in October or sometime in the fall we were going to come in for one day and vote for the redistricting plan. And if I might borrow words from Rep. Lourey, I might say that I am disenchanted with the process. One of the things that I have to stand up and speak about is with regards to my district. My district, if you'll open up your green book to page, the legislative districts in the metro area. My district is 55B. That district at the present time was rectangular in shape and was within the percentage points of being correct. Now somehow they took this district here, they found out where I lived, and they found out where Rep. O'Connor lived. Now if you look at that district, I'm up in the very northern party of that district, that's district 55B in case anyone needs to find it. Rep. O'Connor is down in a lower part down there. To me, it seems like they went out of their way to put us together, and being a freshman legislator, I would suspect that I am vulnerable, but I am beginning to like this place and I like a lot of the people that are here. I didn't really want to

leave yet. The real crux of the problem is, I ran in 1988 and 1990 is when I won. In the election of 1988 and the election of 1990, my campaign manager happened to be a person by the name of Bob O'Connor who happens to be the uncle of Rep. O'Connor, Rich O'Connor. Now this is the problem. His uncle living in my district, I running against Rep. O'Connor, the family is torn. They don't know who to vote for. This is adding stress and pressure on that family unit and as a freshman legislator, I might add that I am looking for the elevator, I've got the shaft. You know, we were talking about, Rep. Knickerbocker was talking about the idea of how it was set up in the beginning, that we were going to bargain in good faith and me being a union member, we sit down with businesses and bargain in good faith to get a contract that is good for the people. We don't sit down at the table, us union members do not sit down at the table by ourselves. No negotiation is possible. In like manner, the proposal that we have before us, this bill that we have before us, was negotiated by one side. Now I've done some work, and I've lobbied Rep. O'Connor and I got him to join me in voting against this bill. Now we need a few more votes, so I'm asking you to help out the O'Connor family, my family and joining with Rep. O'Connor and myself in voting down this bill. This is a bipartisan support of the defeat of a bill. How can you go wrong? Thank you for your support.

SPEAKER: Any further discussion? Rep. Rosodovich.

RODOSOVICH: Thank you Madam Chair. We've had a lot of court cases and opinions and selections out of statutes and court orders and, I probably should also make a couple from Pre-trial Order #4 just for those people who are worried about Chapter 246 and in Pre-trial Order in the State Court, it says that case law compels us to adhere as closely as possible to the intent of the legislature as embodied in the redistricting legislation. And they cite the case of White in the citation. Pre-trial Order #5. Because we've heard so much about defects and corrections, the State Court says the defects are not so persuasive as to abridge the overarching requirement of

judicial deference to legislative policy decisions. The panel further went on and said "This panel is obliged to affirm those portions of the law that meet constitutional and statutory requirements and to limit the scope of its remedy to those areas in which substantial defects are present." Since people are offering court orders, I'm not an attorney, so, Mr. Abrams and others, feel free to correct me if you choose, but in the dissenting opinion from the Federal Court, because we've heard a lot about that too these days, and I thought this was the legislature and that the Judicial building was across the street. But just in case we think we are, the dissenting opinion said "In addition, the November 21, 1991 order issued by the State Court seems completely appropriate, both as to the law and as to the reapportionment plan." Clearly Chapter 246 represents state policy which in my judgment must be the cornerstone of any new reapportionment plan. Okay, then we have a U.S. Supreme Court appeal and in one of the cases there, Scott v. Germano for those people that understand what all these things mean, they say that the power of the judiciary of a state to require valid reapportionment or to formulate a valid redistricting plan has not only been recognized by this court, but appropriate actions by the states in such cases has been specifically encouraged. Now let me set a couple other things straight and I have been real quiet and I have listened, just like I have done for the last 11 months. And anybody can take any shot you'd like at me and I have listened to those and now what I want to go is point out a couple errors that were made. First of all I don't ever remember us mentioning names of staff members on the floor in our discussion or debate. But since we have, and since our staff member was supposedly part of Stanford, I don't know if it just an error or what the case may be, but it leads me to believe that if we can't get the right school right, I just want the record to note that it's Berkeley. O.K. So we've got than on record. Not Stanford, since we've mentioned those folks, just so we have that. But we talk about the posted positions for staff people. You know what? I said I don't think we ought

to have to hire anybody until May. And Representative Knickerbocker and I sat and we met and we said no, we determined it would have to be earlier and probably April 1. So we did a posting. We did a joint posting for both positions. We did a joint ad for both positions. Just to set the record a little straight. People have gone through the schedule. I did that in May. I went through each date. Thank you for reviewing that for us today. But you missed a couple of meetings. One on April 23rd with the Minority Leader, the Majority Leader, the Speaker, Representative Knickerbocker and myself, after we had word that the census data was going to be here much earlier than we anticipated, and Representative Vanasek and Representative Long's direction to us was that if we could do the bill by the end of the session we ought to do it. And you know what, every outstate hearing we had whether it was the League of Women Voters or the election officials or the public, said whatever you do, don't wait until the last minute. And so what did we do, we passed the bill. To negotiate and cooperate it takes two - it takes two. I have spent 12 months working on this process and many of the committee members and staff have spent the same. Our goal when we looked at districts was not incumbent protection, members, that we are discussing individual districts and how it impacts us or affects us, wasn't incumbent protection. The first thing we did when we looked at the map was to cite the minority districts because we wanted people of color to have the opportunity to be represented here. And we didn't put the members in this chamber or the members in the Senate in different districts if they were people of color or pair them and then come back and say that we have done great things for minorities in this state. The Minority Leader stated that on the day that we considered the bill people were showing errors. You know why they were showing errors? Because we sent a memo from our offices asking for everybody to look at their district and help us make sure we had corrected all the errors. And for the last seven months the election officials, people in the community, all of those

people, have looked, have read -- and that's what we are talking about today. We're not talking about a new bill. We' talking about corrections to a law. That's what we are talking about today. And if people are so concerned about the judicial process and that this is going to take us right into the spring of the year and we won't know where our districts are, well today I am telling you the Legislature has acted and will act. People told me when I took my position, the Legislature won't respond. They won't do it. They haven't done it for awhile. Well we're doing it and by all records, majority still rules. And this bill will be delivered to the Governor. I want the record to show that the Legislature has acted and if the Governor decides to veto a technical correction to make an existing law better so that we can have a law that doesn't work as well as if we passed this technical correction bill, then so be it. But be it on his head and not ours. Another remark was made regarding the census data that came much earlier than we thought. And in every remark that I made from January 1 through the time that we passed this bill on this floor in May, I said we would do the bill at the earliest possible date that we could do it. On May 15 we passed technical corrections or introduced a committee bill in August. It's been in the public. People have looked at it. The court has looked at it. So don't look to us because we acted. And we acted in good faith because I told you we're going to do it. We're going to act. Members I encourage your vote on this very important issue.

SPEAKER: Representative Abrams.

ABRAMS: Well, Madam Speaker and members, I had not intended to speak again. But Mr. Rosodovich saw fit to read from the State Court Order and from the dissenting opinion by the federal court panel. Let me read to you part of the federal court order that has shut down the state court panel. "We view the action of the state panel as being in direct violation of federal law and interfering with the continuing jurisdiction of the state court. On this basis with great reluctance, deference and concern, we now issue an order necessary in aid of our jurisdiction

enjoining further issuance of the state court plan and staying the effective date thereof until further order of this court. We are fully cognizant of the heavy responsibility we face in our decision to issue this order. We have determined that the state of Minnesota, its people, the Legislature and the Governor must be protected from confusing and possibly conflicting orders of a state and federal court. We deem it highly improvident that the state court has proposed a plan of its own before the Legislature has a full and complete opportunity to act. Such a plan, if allowed to stand, clearly contains an intimidating message to the Legislature and the Governor. There can be no disagreement that the legislative process should be allowed to proceed unrestricted and free from judicial influence. The integrity of the legislative process must be protected. A court adopted plan issued prior to the legislative act inhibits the legislative process. That's what Mr. Rosodovich didn't tell you. And what also he didn't tell you is that it is possible that the federal panel will take 246 and it is also possible under the Karcher decision that I explained to you earlier that they could do something entirely different. What I am pleading with you for, what I am beseeching yo [sic] for, is negotiations so that we can have the legislative process which includes the Governor's signature, ended in a fair, bipartisan redistricting plan for all the people of Minnesota.

POLSBY INDICES

Federal Court Congressional Plan

	Area	Perimeter	Compactness	Avg. Compactness
1	24837520000	786808.50	0.5039178973	
2	42783420000	1113168.00	0.4336543537	
3	1617588000	260900.50	0.2984748434	
4	586630500	139023.70	0.3812208040	
5	280911700	90871.44	0.4277272210	
6	281328800	391384.30	0.2306731426	
7	73133084111	1793333.00	0.2856154179	
8	79064200000	1693381.00	0.3463061109	0.3633918475

SF 1597

	Area	Perimeter	Compactness	Avg. Compactness
1	22686380000	754690.60	0.5002843994	
2	52058790000	1242684.00	0.4234111551	
3	1448509000	292311.10	0.2129218460	
4	52731.3600	105708.10	0.5927097591	
5	316063600	104321.20	0.3647698829	
6	2922326000	403101.20	0.2258864184	
7	68305850000	1898993.00	0.2379034893	
8	76851410000	1733490.00	0.3212172044	0.3598880193

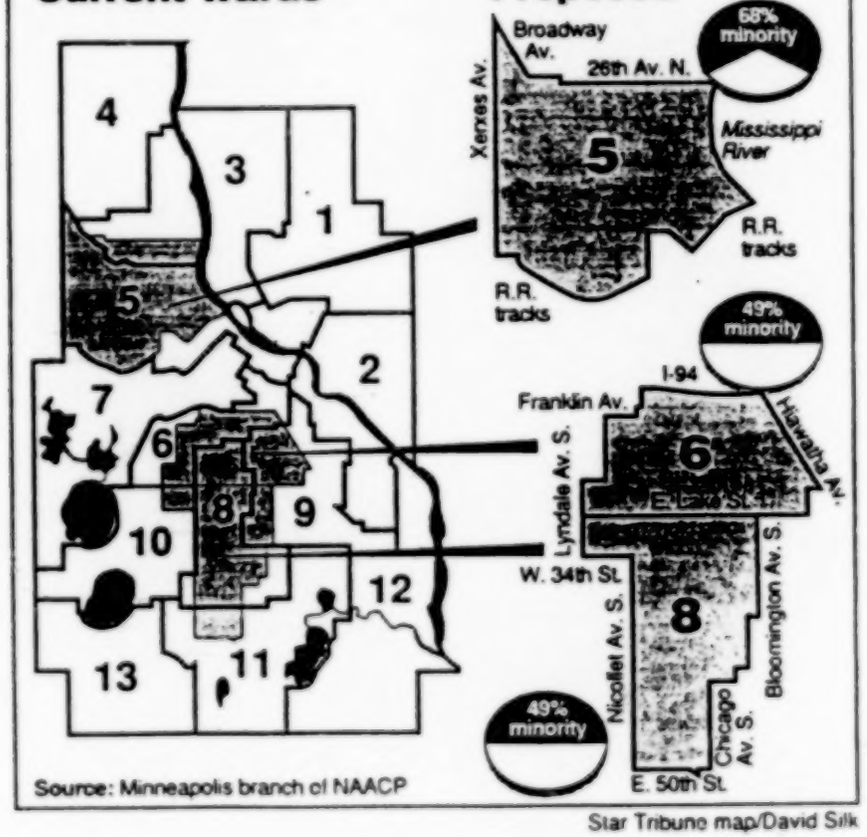
Star Tribune/Friday/January 3/1992

Racial imbalance reshapes battle over ward borders

By Peter Leyden
Staff Writer

Proposal for minority wards

The NAACP is encouraging the Minneapolis redistricting commission to create three minority-opportunity wards (toned areas of map) that will enhance the chances of minority candidates for City Council.



Star Tribune map/David Silk

Close to one of every four Minneapolis residents is a person of color, but only one of the 13 city Council members is not white.

That is the fundamental fact affecting the entire process of redistricting the city's wards, which must be done after each U.S. census. Only after the racial imbalance is addressed by creating "minority opportunity districts" can the usual wrangling between parties and incumbents take place.

"Everyone has to work around the minority opportunities districts," said Tom Trefethen, an Independent-Republican on the redistricting comission. "It's very, very easy to initiate a lawsuit."

The NAACP is pushing a ward plan that would create three minority opportunity districts, wards with high minority concentrations that could support a minority candidate. The NAACP proposes:

- That the Fifth Ward, which is centered on the Near North Side, contain 68 percent minority members. It now is 57 percent minorities, compared with 37 percent in 1980. The incumbent in that ward, Jackie Cherryhomes, is white.
- That the Sixth Ward be reworked to include the Phillips neighborhood portion of the Ninth Ward and the northern end of the Eighth Ward. That would create a new minorities-opportunities district with 49 percent minority members. The current Sixth Ward has 34 percent and had 19 percent in 1980.
- That the Eighth Ward, which is represented by the council's only minority member, Council President Sharon Sayles Belton, should extend down Interstate Hwy. 35W to Minnehaha Creek. It would contain 49 percent minority members. The ward's current percentage is 50; it was 28 percent minority in 1980.

Every ten years, Minneapolis, along with most other political bodies in the nation, must take the new census figures and adjust its political boundaries to fit the last decade's shifts in population and changes in demographics.

The new reality of Minneapolis includes a much larger minority population; it grew from 13 percent in 1980 to 22

percent in 1990. The city also saw a movement of middle-class residents that helped increase the number of DFL incumbents and undermine IR chances.

"The Democrats have to worry about incumbency protection and we have to worry about protecting a two-party system," said Trefethen. "That's going to be a central topic of disagreement."

The struggle over ward boundaries often can get fierce because those lines can determine which candidates win elections and what the city's politics will be for the coming decade.

Before the last redistricting process, Minneapolis tried to defuse overt political fighting by creating an unusual redistricting commission: a seven-member bipartisan group responsible for drawing the new boundaries.

The commission is now entering the tough horse-trading stage as it draws specific district boundaries and creates a tentative map. The next public meeting from discussion of the boundaries will be held at 6:30 p.m. Jan. 13 in room 319 of City Hall.

"On top of all the usual problems, we have the minority question," said Andy Kozak, a DFLer on the commission.

The NAACP plan carries added weight because Congress amended the federal Voting Rights Act in 1982 and made it much easier for a minority group to challenge political boundaries as discriminatory.

Challengers must show only that the *results* of redistricting were discriminatory, said City Attorney Bob Alfton. They previously had to show that the *intent* of the redistricting body was discriminatory.

"This is the first time we have this kind of leverage." said Bill Davis, chairman of the Minnesota NAACP's political action committee. "It's in the commission's interest to work with us."

The NAACP considered but rejected a plan to create two

minority opportunity districts rather than one in the north. Under it, the Fifth Ward would be centered on the western half of the Near North Side and have about 50 prcent minority members.

The Third Ward would be on the eastern half of the Near North Side and cross the Mississippi River. That ward would only have about 40 percent minority members. The Third Ward now is 34 percent minority, compared with 7 percent in 1980.

The Minneapolis branch of the NAACP unanimously voted to reject the two-district plan and consolidate minorities in one Fifth Ward district with 68 percent minority members, said Davis.

He said the vote might have been different if the Fifth Ward already was represented by a minority member. Cherryhomes, with considerable support from minorities, beat a black incumbent in 1989.

"I'm a proponent of more minority opportunities in more wards," said Cherryhomes, who plans to run for reelection in 1993. "I'm also not a proponent of 'packing.'"

The commission must steer clear of "packing" or "diluting" the minority populations in wards if it wants to avoid lawsuits. Federal courts consider both extremes as discrimination against minorities.

The NAACP national office, which has studied federal court cases, gave the Minneapolis office rough rules of thumb that consider diluting as putting fewer than 40 percent minority members in a district and consider packing as putting more than 65 to 70 percent in, said Davis.

A district often needs to be more than 50 percent minority to create opportunities, because a larger portion of minority groups are children or do not vote, he said.

The rules must be flexible to adapt to the peculiarities of different communities in different cities in different parts of the country, Davis said.

"You paid a bit to offset the people who don't vote, people who are under 18 years of age," he said.

Aside from minority considerations, the commission must juggle demands from many constituencies. Often the demands are in direct opposition to each other.

For example, the NAACP's plan for the Fifth Ward contains the homes of two incumbents, Cherryhomes and Sandra Hillary, who now represents the Third Ward. The NAACP's plan for the Sixth Ward shaves off the Wedge neighborhood, a solid base of the incumbent, newcomer Jim Niland.

"That's not the purpose of drawing the lines: to protect the incumbents," said Davis.

The commission is committed to trying to keep all incumbents in separate districts because the members believe that an incumbent should be ousted by voters, said Trefethen.

The Independent-Republicans are trying to enhance their chances in the more affluent 10th, 11th, 12th and 13th wards at the southern end of the city. In 1980, Independent-Republicans held five wards; today they hold one.

"This time it's a whole different game," said Kozak. "What they do has a cascading effect on everything else."

The city's redistricting process is somewhat in limbo because the state legislative districts must be set before the city can formally proceed.

The state process has been delayed pending settlement of some court cases, including one that the U.S. Supreme Court may consider in early January, said Alfton, the city attorney.

The city's redistricting commission will continue to work out boundaries as it waits for settlement. After state districts are formed, the city has 60 days to form its wards.

"It's really law professor's kind of stuff," said Alfton.

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